

deficiency appropriation bill (H. R. 21546), which was referred to the Committee on Appropriations and ordered to be printed.

RECESS.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SIMMONS. I move that the Senate take a recess until half past 10 o'clock to-morrow morning.

Mr. SMOOT. I suggest to the Senator that he make it 11 o'clock.

Mr. OLIVER. Mr. President, it was understood, or, at least, a number of Senators on this side of the Chamber understood, that the session to-night would last only until about 10 o'clock. We have been here an hour longer, and I appeal to the Senator to make it 11 o'clock to-morrow morning.

Mr. JONES. Mr. President—

Mr. SIMMONS. I will change the motion to 11 o'clock.

Mr. GALLINGER. That is right.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to, and (at 10 o'clock and 50 minutes p. m., Wednesday, February 24, 1915) the Senate took a recess until to-morrow, Thursday, February 25, 1915, at 11 o'clock a. m..

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 24, 1915.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, our heavenly Father, for the industry, patience, courage, integrity, and self-control which obtains in the Members of this great legislative body—for the courtesy displayed when feelings are tense on questions of moment before them. Let Thy blessing be upon them in the closing hours of this historic Congress, that they may finish their work and leave behind them a record worthy of emulation. And Thine be the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20347. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916.

The message also announced that the Senate had insisted upon its amendments to the bill H. R. 19909, the legislative, executive, and judicial appropriation bill, had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. GALLINGER as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to take from the Speaker's table the Army appropriation bill, H. R. 20347, disagree to all the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 20347) making appropriations for the Army for the fiscal year ending June 30, 1916.

Mr. GARDNER rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. GARDNER. The Speaker asked if there was objection, and I rose to reserve the right to object.

The SPEAKER. All right.

Mr. GARDNER. Reserving the right to object, I would like to ask the chairman of the committee if he is in possession of a letter which was written by the Secretary of War or by Gen. Scriven pointing out the necessity of this increase in the aviation appropriation?

Mr. HAY. I am.

Mr. GARDNER. And is the chairman inclined to think that there is some merit in the letter?

Mr. HAY. For what purpose does the gentleman ask that question?

Mr. GARDNER. Because the gentleman, when this was put to a vote in the House, did not mention the existence of that letter—that he had it at the time.

Mr. HAY. I do not recall now whether I had it then or not. I do not know whether it was my business to mention it, even if I did have it.

Mr. GARDNER. When I raised the question as to the gentleman making a mistake in his \$300,000 figures, I was supplied immediately afterward with a copy of this letter.

Mr. HAY. I will say to the gentleman from Massachusetts that what was asked for by the War Department was \$400,000.

Mr. GARDNER. Yes.

Mr. HAY. And the Committee on Military Affairs cut it down to \$300,000, and the Senate committee has raised it to \$400,000.

Mr. GARDNER. I understand.

Mr. HAY. And when we get into conference we will do the best we can about it.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. HAY, Mr. DENT, and Mr. KAHN.

EXTENSION OF REMARKS.

Mr. JOHNSON of Washington rose.

The SPEAKER. For what purpose does the gentleman from Washington rise?

Mr. JOHNSON of Washington. I desire to ask unanimous consent to print in the Record a statement from the Forest Service regarding the proposed reduction in the size of the Olympic national monument.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

ADDITIONAL DISTRICT JUDGE, SOUTHERN DISTRICT OF GEORGIA.

Mr. WEBB. Mr. Speaker, if there are no appropriation bills demanding consideration, I ask that the Speaker lay before the House the bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia, with Senate amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia.

Mr. CULLOP rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. CULLOP. I rise for the purpose of moving a nonconcurrency in the Senate amendments.

Mr. CRISP. Mr. Speaker, I make a preferential motion. I desire to move to concur in all three Senate amendments.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] makes a preferential motion to concur in all three of the Senate amendments.

Mr. STAFFORD. Mr. Speaker, I ask for a division of that motion of the gentleman from Georgia.

Mr. SPEAKER. The gentleman undoubtedly has the right to it.

Mr. WEBB. I have the floor, Mr. Speaker, have I not?

The SPEAKER. Yes; but everybody has the right to inject that remark into the proceedings.

Mr. WEBB. Certainly. I wanted to see if we could have some agreement as to the time for the discussion of this motion, because I realize the importance of time at this juncture, and I am willing to do my part toward expediting the disposition of the public business. I would be glad to yield to the gentleman any time he desires, so far as my hour is concerned.

Mr. CRISP. I realize at this stage of the session that the House can not take much time on this bill, and I would like to have 10 minutes.

Mr. MANN. We have plenty of time this morning, for all that I can see.

The SPEAKER. What suggestion has anybody to make about this bill?

Mr. WEBB. Mr. Speaker, I ask unanimous consent that all debate on the motion to concur and nonconcur be limited to two hours, one half the time to be controlled by myself and the other half to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. STAFFORD. Is the gentleman from Minnesota opposed to this bill?

Mr. CULLOP rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. WEBB. Mr. Speaker, I ask that the gentleman from Illinois [Mr. MANN] be allowed to control the time instead of the gentleman from Minnesota [Mr. VOLSTEAD].

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that the debate on the motion to concur in these amendments shall be limited to two hours, one hour to be controlled by himself and the other by the gentleman from Illinois [Mr. MANN]. Now, for what purpose does the gentleman from Indiana rise?

Mr. CULLOP. The purpose was to have a division of the time, to be controlled as it is already decided to be controlled, one-half by the friends of the amendment and one-half by those who are opposed to it.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] is recognized for one hour.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, when this bill passed the House it provided for an additional judge in the southern district of Georgia. The business of the courts there was falling behind. The late Attorney General, Mr. Wickersham, had an agent of the Department of Justice investigate the status of the docket in the district, and he reported that he thought Judge Speer, the judge of that district, should have additional help, because only 62 per cent of the cases filed were being tried yearly, and the business of the court was gradually falling behind, and the Attorney General had Judge Grubbs, from Alabama, detailed to help catch up with the docket.

This bill was introduced in the House by the chairman of the Judiciary Committee [Mr. WEBB], and not by any of the Georgia Members. The Judiciary Committee reported it favorably, the report being a unanimous one. The House will recall that a subcommittee of the Committee on the Judiciary was sent to Georgia to investigate the conduct of the judge of the southern district, Judge Emory Speer. When the committee returned they were of the opinion that the district needed relief, and this bill was the outcome of their report, being introduced, as I said, not by a Georgia Member but by the chairman of the Judiciary Committee, Mr. WEBB, who had just returned from an investigation of the conditions in the judicial district. If the Members of the House will notice the report, they will see that former Attorney General—now Justice—McReynolds on August 4, 1914, wrote the chairman of the Judiciary Committee [Mr. WEBB] to this effect:

Permit me to reply to your letter of this date, inclosing House bill 17869, providing for an additional judge for Georgia, etc.

Under existing circumstances it seems to me essential that there should be another judge in the southern district of Georgia. The conditions there are lamentable, and I know of no other way in which they can be speedily remedied. I hope the bill will be promptly enacted into law.

Mr. GARNER. Will the gentleman yield?

Mr. CRISP. Certainly.

Mr. GARNER. The gentleman had reference to the House bill, had he not?

Mr. CRISP. Yes.

Mr. GARNER. What has the gentleman to say with reference to the amendment put on by the Senate to make two permanent judges there?

Mr. CRISP. I will come to that in a moment. I was trying to acquaint the House with the conditions that obtained which caused the House in its wisdom to pass the bill providing an extra judge in the district. This bill came up in the House, and the House in its wisdom saw fit to pass the bill as reported to the House, providing that the additional judge should be temporary—or, rather, that when Judge Speer either retired or passed away there should be no successor appointed to him and there should thereafter be only one permanent judge in the district.

Judge Speer is a very able man. In the vigor of his youth he was able to keep up with the work. He is well advanced in years and for a considerable time has suffered with hay fever, which necessitates his absence from the district a good many months in each year in a high altitude. Now, the House passed this bill, but adopted what is known as the Cullop amendment, which provides that the President shall make public the indorsements filed in support of the person appointed.

The SPEAKER. The time of the gentleman has expired.

Mr. WEBB. I yield to the gentleman from Georgia three minutes more.

Mr. CRISP. Personally I have no objection to the amendment, though I doubt whether it is constitutional. I realize that in saying that I may bring ridicule upon myself for mentioning the Constitution in this body. [Applause.] But, Mr. Speaker, at this late day in the session I fear that if the House insists upon that amendment it may jeopardize the bill. For that reason I have moved that the House concur in the Senate amendment to eliminate from the bill the Cullop amendment.

The southern district of Georgia covers the entire southern half of the State and has a population of 1,340,000 people. It has two large ports in it. Judge Speer lives in Macon, which is over 200 miles from either Savannah or Brunswick. Savannah is the largest port for the export of naval supplies in the world. It is the second largest port for the exportation of cotton in the world. Brunswick has a large commerce, and there is a considerable maritime practice in this district. There are 76 counties in the southern district of Georgia. In my opinion, the Senate believed that the best interests of the Government would be served by dividing this very large district into two districts. Therefore the Senate adopted an amendment providing that there should be two judges, or that the new judge should be permanent, which will mean, if the bill becomes a law, that later the southern district will be divided and there will be two districts. According to the Record, page 4215, of the proceedings of the present session of Congress, Senators BURTON and ROOT favored the passage of this bill with this amendment making this judge permanent, and it was stated on the floor of the Senate that it had the unanimous support of the Senate Judiciary Committee. I believe, Mr. Speaker, that the best interests of the Government and the people of Georgia will be best subserved by this judge being made permanent, and therefore I have moved to concur in the amendment so providing.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. WEBB. I yield to the gentleman from Georgia two minutes more.

Mr. CRISP. I thank the gentleman, and I will stop at the end of that time.

The third amendment simply strikes out the provision allowing the senior circuit judge to designate which district judge shall hold the court. That amendment is unnecessary, because section 23 of the Judicial Code, passed March 3, 1911, regulates this matter. If this bill becomes a law, the general law will provide that until the district is divided the senior circuit judge shall designate the judge to hold the court, so that this provision of the bill as it passed the House is unnecessary. The Senate amendment is a wise one, and I hope it will be concurred in. [Applause.]

Mr. WEBB. I yield five minutes to the gentleman from Georgia [Mr. EDWARDS]. If he does not desire to use the time, I will ask the gentleman from Illinois [Mr. MANN] to use five minutes of his time.

Mr. MANN. Mr. Speaker, will the Chair remind me when I have used 10 minutes? I do not think there is any need at all of this additional judge. When we passed the bill it was stated that the judge there, Judge Speer, was in ill health and was not attending to the business of the court so as to keep it up to date. The other day somebody down there sent me a clipping from the Savannah News, containing a statement made by Judge Speer in discharging the Federal grand jury recently. This clipping is dated February 17, 1915. In this statement to the grand jury Judge Speer, among other things, said:

You will be very glad to learn that the business of the district is in a most satisfactory condition.

This follows a statement of the number of cases pending in the court, the number of new cases which had been brought, and the number of cases which had been disposed of, with an analysis of the cases which were pending. For instance, take the criminal cases, one important class of suits in that court. Of these there were 179 pending on the 28th of last December. Of that number 57 had been instituted during the months of November and December of last year. In 23 cases no arrests had been made. This left only 94 criminal cases in the entire district over two months old. Of the 176 civil cases pending, 13 were pending on reference before masters; 5 for settlement; in 1 the defendant was dead and no party made; 27 had been filed recently and were not ready for trial or final action; 4 were ancillary to proceedings pending in other districts; 2 awaited the decision of the circuit court of appeals; and 1 awaited the mandate. The judge goes through the different classes of cases pending in his court and shows that the busi-

ness is up to date, probably better in that district than almost any other district in the United States. So you see there is no congestion of business there.

I also received a clipping from the Albany Herald of the date of February 5 last, which has this heading to it:

United States court had a busy session. Practically nothing remaining on the docket after adjournment on January 25.

It has this statement:

The United States court transacted a great deal of business at the recent January term in Albany, and a recapitulation of the docket is highly interesting. It shows that not a single case which could be disposed of was left unattended to, and the docket is in excellent shape.

Then follows a statement in detail of the several cases, bankruptcy cases, naturalization cases, criminal business, and so forth, and the article winds up with the statement, "No cases or matters were left undisposed of that could be tried."

These statements, which can not be successfully contradicted as to the details, show that there is no need of an additional judge in Georgia at this time. More business has been disposed of in that district during the last few months by far than in the average of districts in the United States, and fewer cases undisposed of are pending by far than in the average districts in the United States.

I appreciate the desire of gentlemen in the House to create additional judgeships, to be filled by their friends or by a friend, but, after all, that is hardly a sufficient reason for providing an additional judge. If we are ever to exercise any economy, we ought to exercise it in regard to matters of this sort.

Doubtless many people would like to be appointed to a judgeship for life, and if this bill passes some one person will receive the appointment. But if the bill passes it will be for the benefit of that person and not for the benefit of the public business; the public business of the district does not require an additional judge.

It is true that that is not the question now pending in the House, but gentlemen on the other side who have spoken have urged that the House recede from its position in reference to the publicity, and so forth, because of the need of a judge. The judgeship can wait; the House has repeatedly declared its position on these questions, and the House is entitled to maintain its position, instead of yielding weakly to the Senate. When the bill was before the House it was urged that the bill ought to pass because it was such a trifling matter; it did not involve the appointment of a permanent judge. Now, gentlemen say that they want a permanent judge. If the proposition before the House when the bill passed had been the appointment of a permanent judge, I do not believe that the House would have passed the bill.

There are in the United States, as shown by the report of the Attorney General, at least 40 or 50 districts that need a judge much more than this district. The House, instead of constantly creating additional judgeships, ought, in my opinion, to restrict the jurisdiction of the Federal court, so that so many cases will not be taken from the State courts to the Federal courts. [Applause.] We will never accomplish that purpose if we constantly increase the number of the Federal judges. There is no reason why every corporation having a lawsuit involving over \$5,000 should be permitted to take it to the Federal court. The people, the individuals and the corporations, on matters which do not involve great national or constitutional questions ought to be willing and ought to be compelled to submit their differences to the local State courts. [Applause.] I think the only way to accomplish that is to stand out against increasing the number of the Federal judges. Mr. Speaker, I reserve the balance of my time.

Mr. WEBB. Mr. Speaker, in the interest of saving time I wish to say that we will have but one more speech on this side, and if the gentleman from Illinois will use the remainder of his time it may be that we will cut the two hours short.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, since this bill was projected into the House this morning I have taken occasion to examine the reports of the Attorney General for the year 1913 and the last one available, that of 1914. These reports give a detailed account of the business pending in the northern district of Georgia as well as all other districts of the United States. I have compared the condition of business pending in the northern district of Georgia where it is proposed to have two permanent judges under the bill now presented for consideration with those existing in districts in Indiana, the eastern district of Washington, and the district I am most familiar with in my own State, the eastern district of Wisconsin.

Mr. EDWARDS. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. EDWARDS. This bill provides for an additional judge in the southern district of Georgia and not the northern district.

Mr. STAFFORD. The tables that I examined were for the southern district of Georgia. It was a mere inadvertence my saying northern district.

Mr. COX. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. COX. Has the gentleman the total number of cases tried last year in Indiana and the total number in Georgia?

Mr. STAFFORD. I have. In the case of Indiana other than those suits to which the United States was a party, and that is the main factor in the consideration of the bill before us, there was commenced during the fiscal year 120 suits. There was terminated during the year 134, leaving as unfinished at the close of business June 14, 145. The district of Indiana is represented by only one district judge.

Let us compare the conditions of business in this southern district of Georgia, where they ask in the motion made by the gentleman from Georgia to constitute permanently two judges. I claim there is not much basis for an argument made in favor of the emergency judge coming to the relief of Judge Speer, according to the statement made by the Attorney General in his reports.

I have here the statistics for the southern district of Georgia. Number of cases commenced during the fiscal year, 79; number terminated, 68; pending at the close of business June 30, 130. More cases were pending for disposal in the district of Indiana than in the southern district of Georgia.

Mr. COX. How many in the whole State of Georgia?

Mr. STAFFORD. That, of course, takes in another district. I have the northern district here, and I will give the gentleman the figures; but that is beside the question before us, because we are only providing an additional judge in the southern district. In the northern district the number of cases commenced during the fiscal year was 94; number terminated, 81; number pending at the close of business June 30, 153. There is more warrant for an additional judge in the case of the northern district than there is in the southern district.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MURDOCK. What is the comparison in new business between Georgia and Nebraska, which has two judges?

Mr. STAFFORD. Of course Nebraska is a Western State. I have not examined that. I think that you will find in the case of Nebraska that they would not have near so much business, because it is an agricultural State.

Mr. MURDOCK. They have two judges there.

Mr. STAFFORD. Yes; and one office was created, no doubt, in years gone by to give some place to a favorite of a Member of another body, just as the proposal is here to give some additional place to some favorite, so that he may hold a life job. I can give that in Nebraska, if the gentleman wishes, but I hardly think that is a parallel case, because Georgia may be likened more to Indiana, where there is not only agriculture but also manufactures, the same as in Wisconsin. I will take the case of Nebraska.

Mr. MURDOCK. Just the new cases.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Speaker, I will ask the gentleman from Illinois to yield me five minutes more.

Mr. MANN. Mr. Speaker, I yield five minutes more to the gentleman from Wisconsin.

Mr. STAFFORD. There is but one district in Nebraska, according to the report.

Mr. MURDOCK. There are two judges.

Mr. STAFFORD. If there are two judges, it is not disclosed by this report. Number of cases commenced during the fiscal year, 273; number terminated, a very good record, 326; number pending at the close of business, 317. I could go on and cite figures from the other districts which I have examined, but I think I have shown in the figures given of the condition of business in parallel district courts that there is no reason for a permanent additional judge in the southern district of Georgia, as this bill contemplates in the Senate amendment. As the bill passed the House it was provided that upon the death or resignation of the present incumbent of that court that position should not be filled. That practice has only been followed in a few cases where the conditions have been presented of an aged judge, one who had reached the age of retirement but who refused to retire because he wished to die in office, clogging of the business of the court. I remember in my service of 10 years three or four bills have been introduced to cover those emergencies. Many of us waived the question as to whether

there was real need for an additional judge for temporary purposes because of the unpopularity of Judge Speer and voted in favor of it, so as to remove all doubt.

The gentleman from Georgia [Mr. CRISP] makes a strong plea on the ground that Judge Speer is a hay-fever sufferer. Mr. Chairman, I happen to be one of those unfortunates myself, but during the past two summers I have remained at my work here in Washington. Two years ago I was a member of the lobby-investigating committee, and while at home was summoned here for that work. I remained here during all of that summer and suffered the torments of the damned. Nevertheless I worked, and again I remained here all of last summer during the hay-fever season, from the middle of August until the latter part of October. That is only a temporary condition which occurs when judges usually take their vacations. There is no good argument to be made for the passage of this as a temporary relief measure, because the condition of the calendar does not show that the business is being congested there and that justice is in any way being impaired by delay.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. GORDON. Have not the statutes of the United States been recently amended so as to authorize the transfer of a judge from another district anywhere in the United States for the purpose of relieving congestion?

Mr. STAFFORD. Mr. Speaker, some time ago we passed here a relief measure authorizing the Chief Justice of the United States Supreme Court to assign circuit judges for relief in New York only, but the civil code, as I recall, authorizes the Chief Justice to assign district judges to other districts, but the gentleman will realize that the district judges are not inclined to leave their own districts and take up additional work in other districts. They are willing to go to New York because of the experience gained by a brief service there of two or three months, but they do not care to be assigned to a little district in the South or in the West. They decline to serve, and it is necessary to have the full cooperation of the judge before he is assigned. That would not be a relief, if there was really any emergency presented here for consideration.

I say to the House on this presentation that I can see no reason for having an emergency judge to come to the relief of this district and the relief of Judge Speer, and certainly no good reason can be advanced in favor of having two judges for the southern district of Georgia.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has again expired.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD, by direction of the Committee on Appropriations, reported the bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes, which was read a first and second time and, with the accompanying report (No. 1440), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. GILLETT. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER pro tempore. The gentleman from Massachusetts reserves all points of order on the bill.

Mr. FITZGERALD. Mr. Speaker, some gentlemen have just inquired respecting the appropriation bills, and I desire to say that this is the last of the general appropriation bills. [Applause.]

ADDITIONAL DISTRICT JUDGE, SOUTHERN DISTRICT OF GEORGIA.

Mr. MANN. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Speaker, I hope that the motion of the gentleman from Georgia [Mr. CRISP] to concur in the Senate amendments will be voted down. The first Senate amendment was to strike out an amendment adopted by the House by a very decisive vote of more than 100 majority. It was to make public by the President all indorsements of the applicants. The second amendment of the Senate is to abolish the temporary provision in reference to this judge and therefore to make it permanent. Now, surely it will not be contended here that this kind of practice in legislation ought to be indulged in even to give some of our friends an office—

Mr. CRISP. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. CRISP. Will the gentleman support the bill if the judgeship is left temporary or as an emergency matter and the permanency of it stricken from the bill?

Mr. CULLOP. No; I will not support it then. I do not believe in a duplication of these judgeships. Even if the dupli-

cation were made to give my very best friend a job, I would not vote for it then. I do not believe in looting the Public Treasury in that way. I am opposed to that manner of dealing out the patronage. I believe in a higher standard in dispensing the patronage. There is a proper way to get at this. If the present incumbent is not satisfactory, prefer charges and have him removed. Dispose of him in the proper way and not by this proposed questionable method. Our platform indorsed the publicity of these matters, and we ought to carry out the pledges of our party, because the people indorsed that platform at the polls and expect us to obey their instructions. The Senate has refused to comply with it in respect to this particular proposition, and that responsibility is with it to satisfy the people for its breach of duty. Shall that be the policy of this House, especially when that policy is to repudiate a plank in our platform? I hope not. We should be true to the trust reposed and not falter in our duty. Now, from the showing of the gentleman from Illinois, there is no need for this judgeship. The business of that district is up as nearly as any of the courts of this country. In fact, it is in a much better condition than many of the districts in different parts of the country. It is in a better condition than nearly every other district in the United States, and it therefore clearly appears litigants are not suffering from this cause.

Now, because a judge is disagreeable to some litigant or to some of the people in that district, or because he does not retire and give some other man a good job, I do not think that is any excuse for us here in this instance to trample upon what is right and just. There are not as many cases in that district as there are in the district of Indiana. There is not as large a population in the State of Georgia, with its two districts, as there is in the State of Indiana, comprising one district. With more than 3,000,000 of population, with many large business interests of various kinds important in character, one judge in Indiana does the business, and is not occupied nearly all the time each year. In the State of Nebraska, with one judge, that judge is doing as much business, according to the report of the Attorney General, as is done in both districts in Georgia.

Mr. MURDOCK. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. MURDOCK. I think the gentleman will find there are two judges in Nebraska.

Mr. CULLOP. I am taking the Attorney General's report as read here a moment ago, which says there is only one. There are two judges—a circuit and a district judge—but the circuit judge no longer holds court as a trial judge in the hearing of cases.

Mr. KINKAID. I desire to say to the gentleman there are two district judges in Nebraska.

Mr. CULLOP. Two district judges, with a population that is nearly as large as the State of Georgia, and with more cases in the court than there are in both districts in Georgia, as the report shows, and those two judges are keeping up the business in the State of Nebraska, but one judge in Indiana is doing the business of that State and keeping up with the docket, and frequently holds court in other States. Now, what is the situation here? It is the policy in litigation that all litigation possible should be tried in the State courts and not in the Federal court; but if we are to duplicate the judgeships to reward political friends or to escape the wrath of a tyrannical judge to appease some one who imagines he has a grievance, then we will reverse the settled policy so long in existence and establish a new one which will be subject to great abuse and reflect on the judiciary of the entire country and one that will provoke intense criticism throughout the country. If we establish this policy, we will regret it, and the country will suffer because of it. I dare say one could not go in a district but what he would find somebody who has a grievance against the presiding judge, whether it is real or imaginary is immaterial. That is another consideration. But there will be found no judge who sits on the bench and administers the laws but what he will trample upon the toes and offend some one in the administration of the same. Appoint these duplicate judges, establish this policy, and we will break down that better policy in litigation; that is, to discourage litigation in the Federal courts and let the State courts settle the litigation.

This proposed policy, this breaking down of a well-settled tradition, will encourage it, because there will be an attempt to make more business in the Federal court and try cases there that ought to be tried in the State courts, bring litigants from long distances, and impose hardships both as to the consumption of time and as to the cost of litigation. The adoption of the policy here proposed will menace the administration of justice and have a bad effect on the public. Now, I am going, when the time comes, to ask for a separate vote on these amend-

ments. The first amendment proposes that the President of the United States, before he makes the appointment of these judges, shall make public the names of the indorsements of the applicant. [Applause.] This is the reason that this fight is on. The Senate is hostile to this amendment. I do not know whether the applicants are or not, but I should think that any man who would apply for the high office of a judgeship would not be afraid or ashamed to have his indorsers made public before the appointment. If he is, he is unworthy to hold that important office and should not be considered in making the appointment. I am sure no President of this country would refuse to comply with such a law. This is the question involved in this bill. I stood for this amendment under a Republican Executive; I stand just as strongly for it under a Democratic Executive. [Applause.] I see no reason why I should be for it when a Republican was President and against it when a Democrat is President. If it is good in one case, it is good in the other. I take it that the constitutionality of this amendment will not longer be controverted. It has been assailed on this ground, but in vain. That question has been determined here in this House on more occasions than one, and on each occasion that assault has been refuted from every standpoint. The principles of the Constitution apply. The principles embodied in that great document may be old, but they easily apply to new doctrines as the occasions arise and sustain them, and it does in this instance, to the delight of its friends and to the chagrin of its enemies. Things now are conceded constitutional which five years ago were denounced as unconstitutional; but they now accept the application of old principles to new doctrines, and this amendment means another step in advance in this respect, one for the public good and the advancement of essential protection to the courts of the country and the welfare of the people. It will prevent vicious and unfounded attacks on the judiciary of the country and uphold the dignity of the courts.

It means this, that if we stand by this amendment we will soon get another amendment to the Constitution that will be hailed with delight in this country. That amendment will be that judges shall be elected for specified terms by a vote of the people in the districts over which they are to preside. Can any man give a reason why the people are competent to select a President, to select State judges, and other public officers, but when you come to the selection of a Federal judge they are not competent to make a selection for that office? The sooner we get this amendment, gentlemen, anybody in this House can see the sooner we will be relieved from such vicious legislation as is proposed here now, and the sooner we will secure the adoption of an amendment to the Federal Constitution requiring that all Federal judges be elected for specified terms, and then the people can select their judges and Congress will not be troubled with such embarrassing legislation as is now proposed. The adoption of the amendment which I have proposed will hasten the authority to elect judges and other Federal officers, which will produce a better era in this Republic and elevate its standards among the people. I hope the day will soon come when the people will elect their officials, and the life tenure will be abolished. A better condition will then prevail, and better administration of public affairs result.

I can not imagine a more vicious thing than to legislate a man out of office by indirection, as they are proposing to do in this bill. It is not to relieve a congested docket; that is not its real purpose, but the real object of this measure means to legislate a Federal judge out of office and put somebody else in his place. Behind this is concealed the real object and another purpose is made to appear, but it will not deceive us. The proposition is vicious within itself. It is revolutionary. If the judge is guilty of such misconduct that he is unfitted to hold his court, charges ought to be preferred against him, and have them investigated, and if sustained remove him as the law prescribes. But it is revolutionary procedure when Congress proposes to establish a new office, a duplicate office, and put the present judge out of office by indirection. We should hesitate before we adopt such a method and consider the consequences of such a course. That is just what this kind of legislation means. It is not only revolutionary legislation, but it is indefensible from any standpoint. Unmasked, it is an attempt to appropriate spoils before the time has come. It is a new way of reaching the pie counter. Now, for one I do not justify the plan, and I do not believe anybody else would openly defend it. It will not be commended by many, I am sure. It is not the way to obtain a judgeship in this country.

If such measures of legislation are resorted to for the purpose of removing the judiciary in this country it will lower the dignity of every Federal court in the United States and menace the judges in the discharge of their duties. Men who hold the

judgeships will stand trembling with fear as to the next step Congress will take to legislate them out of office and deprive them of their positions. The spoilsman will camp on their trails all the time. As I have said, the whole plan is revolutionary in its purpose; it is hostile to the spirit of our institutions and the good administration of justice. It is lowering the dignity of every Federal court in this country, and we ought to vote the measure down. We ought to stop such proceedings and put a veto now on this plan of removing Federal judges. For that is what it means, and it means nothing else. Such legislation ought to be voted down, because it is casting a gloom over the pure administration of justice in this country. If Judge Speer is abusing the functions of his high office, complain to the right tribunal, make the charges, have him investigated and removed, but do not adopt this revolutionary plan to put him or any other judge out of office. [Applause.]

Now, Mr. Speaker, if this measure should become a law, and if the President will consider the purpose which animates its enactment, the real object behind it—spoils, purely spoils—the effect it probably will have on the judiciary of the country, watch the scramble for the appointment under it, in my judgment he will hesitate in giving it his approval; and if he refuses to approve it he will do a great work for the upholding of the dignity of the courts of this country and reprove this method of appropriating spoils, which can not, in my judgment, be from any standpoint justified.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, on December 9 when this bill was before the House I gave expression to my views, and tried to put before the House the reasons why we need this judge. My remarks can be found on page 66 of the RECORD of December 9, 1914. To the mind of any man who has investigated this matter, there can be no doubt but that we need this relief and need it very badly.

I was somewhat amused when the gentleman from Illinois [Mr. MANN] read from the Savannah Press a statement made by Judge Speer. I am not at all surprised, because it shows the extent to which this judge will go to grip every inch of power that he can. He gave out a statement which he knows is absolutely against this bill, and, in my opinion, it was so aimed, and there can be little doubt about it. To show the need for another judge, I want to read from the report—pages 2 and 3—of the committee:

The subcommittee examined witnesses whose evidence tended to support the charges made against Judge Speer, as follows:

1. That he had violated section 67 of the Judicial Code in allowing his son-in-law, Mr. A. H. Hayward, to be appointed and employed in offices and duties in his court;
2. That he had violated the bankruptcy act in allowing compensation in excess of the provisions of that act to a trustee who was his personal friend;
3. That he had violated the laws as to drawing jurors;
4. That he had violated the mandate of the Supreme Court of the United States;
5. That he had been guilty of the oppressive and corrupt use of his official position in deciding cases unjustly in favor of his son-in-law;
6. That he was guilty of unlawful and corrupt conduct in proceedings in cases wherein his son-in-law had a contingent fee;
7. That he was guilty of corrupt and unwarranted abuse of his official authority in using court officers who were paid by the Government as private servants without rendering any service to the Government.

Mr. TRIBBLE. Will the gentleman yield?

Mr. EDWARDS. Not just now, if my colleague will pardon me. The report further says:

8. That he was guilty of oppressive and corrupt conduct in allowing the dissipation of assets of bankruptcy estates in the employment of unnecessary officials and the payment of excessive fees;
9. That he was guilty of oppressive and corrupt abuse in granting orders appointing receivers for property without notice to the owners and without cause, resulting in great costs to the parties;
10. That he was guilty of oppressive and corrupt abuse of authority in refusing to allow the dismissal of litigation for the purpose of permitting relatives and favorites to profit by the receipts of large fees;
11. That he was guilty of improper, if not a corrupt, abuse of authority in taking, or causing to be taken, money from the court funds for his private use;
12. That he was guilty of oppressive conduct in entertaining matters beyond his jurisdiction, fixing fines, and the like;
13. That he was guilty of unlawful and oppressive conduct in denying the mandate of the Circuit Court of Appeals;
14. That he was guilty of oppressive conduct in allowing money to remain on deposit without interest in banks in which relatives or friends were interested;
15. That he was guilty of allowing excessive fees to receivers for improper purposes and also corrupt conduct in raising the amount of fees allowed to others in order that his son-in-law might profit thereby;
16. That he was guilty of attempted bribery of officials appointed to act as custodians;
17. That he was guilty of oppressive conduct in unlawfully seizing and selling property;
18. That he was guilty of the excessive use of drugs; and
19. That he was guilty of general unlawful and oppressive conduct for his own private ends.

On page 165, the conclusion of that subcommittee is as follows:

The subcommittee regrets its inability to either recommend a complete acquittal of Judge Speer of all culpability so far as these charges are concerned, on the one hand, or an impeachment on the other. And yet it is persuaded that the competent legal evidence at hand is not sufficient to procure a conviction at the hands of the Senate. But it does feel that the record presents a series of legal oppressions and shows an abuse of judicial discretion which, though falling short of impeachable offenses, demand condemnation and criticism.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WEBB. Mr. Speaker, I yield two minutes more to the gentleman from Georgia.

Mr. EDWARDS. Then I will yield to my colleague [Mr. TRIBBLE] for a question.

Mr. TRIBBLE. Granting that all you have read there is true, this House passed a bill to create a temporary judge to be associated with Judge Speer. Now, how does your position prove that two permanent judges will be needed in the southern district of Georgia when Judge Speer is retired at 72 years of age, or goes off the bench?

Mr. EDWARDS. My answer to my colleague is this: Georgia, with a population of 2,609,000, has only two judges. Florida, with a population of 700,000, has two judges. Alabama, with a population of 450,000 less than Georgia, has two judges. In the southern district of Georgia there are 76 counties. There are five divisions. The courts are held at Albany, Augusta, Valdosta, Macon, and Savannah. The southern district of Georgia has a population of 1,354,000.

Mr. TRIBBLE. Will the gentleman yield again?

Mr. EDWARDS. I have only two minutes, and I would like to offer further reasons in support of this bill. I yield to my friend.

Mr. TRIBBLE. Does not the record show that the northern district of Georgia is seventh in volume of business in the United States, and does not the record show that Judge Newman is up with his business in that district? And does not the record show that there is only one-half of the business in the southern district that there is in the northern district?

Mr. EDWARDS. Judge Newman is an exceptionally good judge. I have looked into this matter, and I agree with the report of the committee that three permanent judges are necessary for Georgia.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WEBB. Mr. Speaker, I yield two minutes to the gentleman from Georgia [Mr. CRISP] to make a statement.

Mr. CRISP. Mr. Speaker, I find after conferring with the members of the Judiciary Committee that they feel they can not support the amendment providing that this judge shall be a permanent judge. And knowing that the district needs relief, and believing the surest way to get that relief is to defer to the views of the members of the Judiciary Committee, I give notice that I am going to change my motion by moving to concur in the first and third Senate amendments and ask the House to nonconcur in the amendment making the judge permanent. [Applause.]

Mr. WEBB. Mr. Speaker, I desire to yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM], a member of the Committee on the Judiciary.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, it seems to me that the argument based upon the quotation from the articles of impeachment is wholly aside from the issue that is presented by these amendments. A bill was reported favorably from the Committee on the Judiciary recognizing, perhaps owing to the discontent and difficulty that pervaded that district and the dissatisfaction among members of the bar in some quarters, that the appointment of a judge temporarily would relieve the situation to a certain extent. The amendments that are returned from the Senate wholly destroy the original purpose of the bill, and for that reason I am opposed to the amendments.

As to the first one, I am in principle opposed to it. I would concur in striking that out of the bill, from my personal viewpoint, as being unnecessary and not a wise provision.

Now, with regard to the other two—

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BARTLETT. Does the gentleman think we have the power to instruct the President as to what he should do in the matter of appointing judges under the Constitution?

Mr. GRAHAM of Pennsylvania. I do not think we ought to ask for the production and printing of anything that is sent to

the President to inform him in the exercise of his executive function.

Mr. BARTLETT. I thoroughly agree with the gentleman. I simply wanted to ask the gentleman whether he did not think it would be an invasion of the power of the Executive for Congress to attempt to do that, and whether the President could not regard it as being absolutely an interference with his powers under the fundamental law to do a thing of that sort.

Mr. GRAHAM of Pennsylvania. Well, I do not know as to that; it is a request that might be granted, and the President might furnish the information. Yet, I think it is an intrusion upon the Executive by the legislative branch; and inasmuch as I am opposed to the encroachment by the Executive upon the legislative branch of the Government, so I am opposed to the encroachment by the legislative branch upon the Executive.

Mr. BARTLETT. The gentleman has put it in the way in which I wanted to ask it.

Mr. GRAHAM of Pennsylvania. We have to-day too much interference on the part of one branch of the Government with the functions of another, and I would like to have an opportunity at some time to voice a protest against it as a wrong that will produce evils the consequences of which it is impossible at this time to measure.

But, speaking of the bill, I do not object to the first amendment being concurred in. As to the second amendment, we ought not to concur in it, because it revolutionizes the legislation of the House completely and destroys the purpose of this bill. The statistics quoted here show clearly that there is no need of an additional permanent law judge in that district, and this temporary appointment, which would expire upon the death of the judge now holding the senior commission, was the only thing recommended by our committee.

As to third paragraph, which has been excluded by the Senate amendment, I have some doubt as to the wisdom of leaving that out of the bill. I think there ought to be a direction that the senior judge should arrange the order of business and the assignment of cases for trial in the district between the several district judges. There is no good reason for striking that paragraph from this bill, and I would like to have the gentleman who offered that motion to amend it so that it would apply only to the first Senate amendment and let the other two stand.

Mr. CRISP. Mr. Speaker, if the gentleman will permit, there will be a separate vote taken on all of them, and the reason why I gave notice that I would make the motion to concur in the third amendment was that I thought the general Judiciary Code did regulate it exactly, and therefore the amendment was not needed. That is, the general law covers it, and it would not be necessary to incorporate it in this bill.

Mr. GRAHAM of Pennsylvania. That is true, but, so far as this particular district is concerned, I felt that to have this formally expressed in this bill would be helpful, and not hurtful.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. HOWARD].

The SPEAKER pro tempore. The gentleman from Georgia [Mr. HOWARD] is recognized for five minutes.

Mr. HOWARD. Mr. Speaker and gentlemen of the House, I have tried in my association with my colleagues here to be frank about everything, and I want to be absolutely frank with the House in this instance. Although the appointment of this additional judge affects the State of Georgia, the people in the State of Georgia do not need an additional permanent judge. It is an absolutely useless charge on the Treasury of the United States. They ought not to have it. The judge of the northern district of Georgia, the Hon. William H. Newman, is now in his seventy-first year, and the volume of business in the northern district of Georgia as compared with the volume of business in the other districts of the United States ranks about fifth. The business in the northern district of Georgia is very satisfactory at this time as compared with the condition of the dockets in the southern district of Georgia.

Now, I have not one unkind word to say about Judge Speer; but I do say this: That the health of Judge Speer has been in such a condition for about four and one-half or five years that it is absolutely impossible for the judge to have kept up his docket in the southern district of Georgia. I understand that the distinguished gentleman from Illinois [Mr. MANN] has read a statement here from the judge as to the condition of the business. There is one condition that exists that I think I ought to mention. Judge Speer has been sick. He has been impatient, probably, and he has not run the court to the satisfaction of the bar, and I do not believe that he will be able to do it in the future. I believe he honestly thinks he will be able to do it, but I do not think he will.

Now, we need this temporary judge, and we need him badly, and we ought to have him. What I say about the temporary judgeship is predicated upon what the members of the bar in the southern district of Georgia tell me. Now, then, after Judge Speer's death we would have three judges in the State of Georgia. Two of them would be assigned to the southern district of Georgia; two of them would be assigned to the district in which we need help the least. Now, if we are to have an additional judge he ought to be in the northern district of Georgia, where the volume of business is done. But I hope the House will see fit to give this temporary judgeship to the people of the State of Georgia, because I believe they need it. I believe that Judge Speer, if it had not been for the fact that he has been under certain charges and is now anxious to exonerate himself, would admit that his physical condition is such that he can not competently attend to all the business of the southern district of Georgia.

Now, that is a frank statement about it. I do not care anything about the publicity of the indorsements of those folks. I know who the applicants are and who their indorsers are. Everybody in Georgia knows that. It is public. But if they want to put that in I do not care anything about it.

If they want to know who is indorsing these different candidates, I think they ought to know it. I know whom I indorsed. I did it openly. I went up to the White House at noonday and told the President who my candidate was, and I hope the President will appoint him in the event that we get this temporary judge. I have no doubt everybody in this House will be very glad indeed to see him appointed, because everybody in the House knows him. But to make this a permanent judgeship would be a waste of money, and it ought not to be done. I say with an equal amount of positiveness, on the other hand, that we ought to have this temporary relief, and I hope that gentlemen of the House will give it to us.

The SPEAKER pro tempore (Mr. SAUNDERS). The time of the gentleman has expired.

Mr. MANN. I yield five minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX. Mr. Speaker, I do not know that I will consume five minutes. It may possibly be that the State of Georgia needs this temporary judge. I do not know anything about that; but I asked the gentleman from Wisconsin [Mr. STAFFORD], while reading from the report of the Attorney General, to give some comparison between the volume of work done in the State of Georgia and the volume of work done in the State of Indiana. As I retain in my memory the figures that he gave of the total number of cases tried and disposed of in the entire State of Georgia last year and in the State of Indiana, I think the total number of cases tried and disposed of in Georgia was 30 or 40, or possibly 50, in excess of the number tried in the State of Indiana. Now, Indiana has only one district judge. While according to the figures the State of Georgia has probably a few more cases to try, surely when the magnitude of the business is taken into consideration the State of Georgia does not have much, if any, more litigation than the State of Indiana.

Judge Anderson, of my State, in the last two years has tried some of the most notable cases that have been tried in the United States. He has tried cases that took more than three months of hard work to dispose of. I refer to one, known throughout the United States as the dynamite case, which took upward of three months to dispose of. Yet not only has Judge Anderson kept his docket in the State of Indiana up to date, but he actually spends day after day in trying cases in the city of Chicago as a special judge. How does he do it? He does not begin his court at 1 o'clock in the day and adjourn at 4. Every morning when the clock ticks 9 o'clock, promptly the case is called, and, if necessary to expedite business, he requires the attorneys and parties litigant to remain there until 6 o'clock in the evening. Sometimes that is not altogether satisfactory to the attorneys or to the litigants, but Judge Anderson sees to it that the business never crowds his court, but on the other hand sees to it that his court crowds the business.

As I said a moment ago, it may possibly be that the State of Georgia deserves, for the time being, this temporary judge. I do not know about that. But as to its needing another United States district judge, basing my judgment upon the evidence presented here this morning and on the report of the committee, in my opinion there is no earthly use at all of another permanent judge.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. COX. Yes.

Mr. HOWARD. I want to suggest to the gentleman that the comparison made as to the volume of business tried in the State

of Georgia during the last year is not, I think, exactly fair to the State, because Judge Speer tried absolutely no cases of any character during the year 1914, and the volume of business that has accrued in the southern district of Georgia, if it had been disposed of normally, would have increased the number of cases in the State very materially.

Mr. COX. That may be. The State of Indiana has a population of approximately 2,700,000. The State of Georgia has a population of about 2,600,000, and I repeat again that while, according to the report of the Attorney General, the total number of cases tried and disposed of in the State of Georgia was somewhat in excess of the number in Indiana, yet when you take into consideration the tremendous magnitude of the cases tried and the length of time it took to dispose of them, if the judge in the State of Georgia could conduct his court as Judge Anderson conducts his court, there would never be any demand from any source for an extra judge, not even for a temporary judge. If this proposition goes through, I agree heartily with my friend from Georgia [Mr. HOWARD] that if the gentleman whom he has recommended, or whom I suppose he has recommended, is appointed to the bench there the business of the court will, I am sure, be transacted promptly and in a satisfactory manner.

Mr. MANN. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, in view of the statement of the gentleman from Georgia [Mr. CRISP] that he will withdraw his motion to concur in the second amendment and move to non-concur, I shall have little to say.

When this bill passed the House originally I was very much impressed by the statement of the gentlemen from Georgia who favored the bill, as to the necessity of it to fill a temporary need. But when the gentlemen from Georgia, my good friend Judge CRISP and Mr. EDWARDS, this morning attempted to get the House to concur in the amendment of the Senate making this a permanent judgeship, and when they stated to the House that they believed that a permanent judge was necessary, and that they only withdrew that motion because they were satisfied it could not pass this House, highly as I respect those gentlemen, when they still think that a permanent judge is necessary, in view of the facts that they have presented, my confidence in their judgment as to the necessity of a temporary judge has been very greatly lessened. I am inclined to think that perhaps we could go on for a year or more with this one judge, and that the situation would take care of itself. But the motion is to be made to nonconcur, so I need not discuss this further.

Mr. EDWARDS. Will the gentleman yield for a short interruption?

Mr. LENROOT. Yes.

Mr. EDWARDS. In my remarks on December 9 last, found on page 66 of the RECORD, I stated that I then thought we did need a permanent third judge. I have taken that position all along. I now think we ought to have three districts and three judges in Georgia. I took that position then.

Mr. LENROOT. Mr. Speaker, in reply to the gentleman, I hold in my hand the bill as it was originally introduced in the House. Presumably the bill originally introduced was in accord with the wishes and judgment of the gentlemen from Georgia. That bill, as originally introduced and referred to the committee, made the judge a temporary judge only.

Mr. CRISP. Will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. CRISP. Speaking for myself, I never saw this bill, and I do not think any members of the Georgia delegation saw the bill until after it was introduced by the gentleman from North Carolina, Mr. WEBB, chairman of the Committee on the Judiciary.

Mr. LENROOT. I accept the statement of the gentleman from Georgia. I will say this, that if it had not been for the second section of the bill making the judge a temporary judge, this bill never would have reached the Senate.

I want to say a word with reference to what is known as the Cullup amendment. The gentleman from Georgia this morning stated that to speak of a constitutional question subjected a man to ridicule in this House, and that is true. Ever since our Democratic friends have been in control here it has been practically useless to discuss any constitutional question. Time and again you have passed bills through this House, and they have gone from this House to the Senate when every lawyer in the House knew that there were provisions in the bill in plain violation of the Constitution. So the gentleman from Georgia was correct in saying that it really subjected one to ridicule to discuss constitutional questions in the Sixty-third Congress.

Mr. Speaker, I have no doubt the same statement can be made—

Mr. BARTLETT. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. BARTLETT. Will not the gentleman make some exception to that statement?

Mr. LENROOT. Yes; I will. There are a few exceptions, like the gentleman from Georgia himself.

The SPEAKER pro tempore (Mr. SAUNDERS). The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman from Wisconsin three minutes more.

Mr. LENROOT. We have come to a pass, Mr. Speaker, in this House where if a Member undertakes to quote from the Democratic platform of 1912 it subjects him to ridicule also, because there is scarcely a provision in that platform our Democratic friends have not violated. But upon the subject of the Cullop amendment, I will take the risk of subjecting myself to ridicule by undertaking to read from the Democratic platform of 1912 upon this identical proposition.

The print of this platform which I have here is so fine that I can not read it, but I will put the text in the RECORD. The substance of it is that we commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations made to the President in making appointments. That was your position then when there was a Republican President in the White House, and when you thought you would be making some political capital by taking such a position. Now that you have a Democratic President in the White House what has become of that platform declaration upon this proposition? Do you refuse to abide by it because you dare not take the position that you are willing to have your Democratic President make public the recommendations that have been made to him for the appointment? Were you playing politics four years ago? By your action now you admit that you were. Are you playing politics now by moving to concur in this amendment without attempting to secure a conference upon it to see if the Senate will yield? It is an admission upon your part that there was absolutely no good faith in this promise that you made to the people of America in your platform in 1912.

Mr. MANN. Mr. Speaker, I will read the provision in the Democratic platform which the gentleman from Wisconsin, owing to the fine print, did not read. This plank in the platform was adopted at the Baltimore convention just after the House had inserted in a bill creating an additional district judge a provision providing for publicity of indorsements. I hope the gentlemen on the other side of the House will feel that I am doing this in friendship, because it is pure friendship that causes me to occasionally remind the Democratic Members of that which they have tried to forget—the Democratic platform. [Laughter.]

I will commend a considerable portion of the Democratic side for voting in favor of this plank in the platform upon a number of occasions when it has been up before. The plank is this:

We commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are made.

What is the pending question before the House? The House inserted a provision in this bill that the President shall make public all indorsements made in behalf of the person appointed as such district judge. That followed the recommendation, or the commendation, of the Baltimore platform. That provision was inserted as an amendment to the bill on a roll call, and those gentlemen on the Democratic side who voted one way when the amendment was up and who vote another way to-day will have their names inserted as a special exhibit hereafter in the CONGRESSIONAL RECORD and in Bryan's Commoner. [Laughter on the Republican side.]

Mr. EDWARDS. Will the gentleman yield?

Mr. MANN. No; I can not yield. Gentlemen on that side of the House who voted for the proposition were held up by Mr. Bryan, now Secretary and then Secretary of State, as following the right course, and gentlemen who voted against it were pilloried by him. Those who change their votes will not only be pilloried by Mr. Bryan, but they will be pilloried by the Republicans every time we have a chance.

The proposition now is to strike this out of the bill, and we will have a roll call upon it. I hope this side of the House, under the circumstances, will vote against striking the provision out of the bill, and I hope the other side of the House, those who voted to put it in the bill, will have consistency enough to keep it in the bill. You have violated every other plank of your platform, you have gone back on the one-term provision,

on the Panama Canal, on the deposit of public moneys in national banks, on almost every other plank in the platform, and I beseech you as your friend [laughter on the Republican side] to stick to one plank in the platform upon which you have already voted. You can not excuse yourselves for voting against this proposition now by saying that you voted for it once before and straddle both sides of the fence. [Laughter on the Republican side.] You have got to walk up to the rack and take your medicine. If you are in favor of any plank in your platform, you have got to vote against the motion of the gentleman from Georgia [Mr. CRISP] to strike this out of the bill. I hope you will be manly enough to be consistent for once. [Applause and laughter on the Republican side.]

Mr. WEBB. Mr. Speaker, has the gentleman from Illinois used his entire time?

The SPEAKER pro tempore. The gentleman from Illinois has 1 minute left, and the gentleman from North Carolina has 32 minutes left.

Mr. WEBB. Mr. Speaker, it can not be charged that I as an individual member of the Judiciary Committee have ever been in favor of creating useless judgeships. At numerous times during the last 12 years I have opposed the creation of district judgeships. In some instances I have favored them, notably in Ohio, Pennsylvania, and in Maryland. I opposed the creation of a new circuit judgeship in my own circuit. I have never yet advocated the creation of one to give somebody a job, and I never expect to.

When the resolution passed the House to investigate the conduct of Judge Speer a subcommittee composed of Mr. VOLSTEAD, Mr. FITZHENRY, and myself went to Georgia to investigate those charges, and we reported. Having been in the district two weeks we understood thoroughly the condition of affairs. We knew before we went that Mr. Wickersham, the Attorney General of the United States in 1912, had induced other judges to try to clear up the docket, which was then woefully congested. The docket has been congested for four years. After the resolution to investigate Judge Speer was adopted, of course, he tried no more cases. His health was bad, and we had certificates from doctors to the effect that he was almost in extremis, and we continued the hearing for three or four months on account of his condition. For 15 months, I believe it is, not a single case in the entire southern district of Georgia, composed of 76 counties, with more than 1,000,000 population, was tried by this judge. When we recommended that no further proceedings should be taken in the House in reference to his impeachment, the Committee on the Judiciary realized—and that is not the Democratic members alone, but Mr. VOLSTEAD, the ranking Republican member, and the gentleman from Pennsylvania [Mr. GRAHAM], and all Republican and Democratic members—that there was a congestion of business in the southern district of Georgia that ought to be cleared up in the interest of the public and litigants and not in behalf of any particular individual. So deplorable had that condition become that three additional district judges had been sent into this district in an effort to clear it up, but it could not be done. Mr. McReynolds, the former Attorney General of the United States, just last fall wrote to this House a letter in which he declared that conditions in the southern district of Georgia were lamentable—about as strong a term as he could use. We know that there is a demand and an important demand for additional help for this now old and sickly judge in the southern district of Georgia. He can not do a man's work as he once did. He has been a brilliant man in his day, but he is nearly 68 years of age and has been a sufferer from a chronic disease for many years.

The Committee on the Judiciary recommended this temporary judgeship unanimously. The House passed the bill, and that is as far as the Committee on the Judiciary ask you to go. We have never asked you to make a permanent judge there. I told the gentleman from Georgia [Mr. CRISP] that I, on behalf of the Committee on the Judiciary, could not afford to ask that the House make the judgeship permanent, because we think, we hope at least, that with a strong judge put in to help clear up this docket, that when Judge Speer's time for retirement comes, one able-bodied judge can keep up the work, and that is all we ask you to do. Therefore we ask you to disagree to Senate amendment No. 2 and to agree to Senate amendment No. 3, which strikes out the provision with reference to the distribution of work. Section 23 of the Judicial Code provides for that in the same language, and it is immaterial whether this stays in the bill or goes out of it.

On amendment No. 1 I ask the House to concur. I think we have come to a time where we may just as well discuss this Cullop-Mann amendment frankly and freely as lawyers. I voted for the Cullop amendment before I had investigated the

constitutional side of it, but I swore to support the Constitution of the United States, and every Member does the same thing when he is sworn in here. Mr. Speaker, this is not the Cullop amendment that is on this bill. This is the Mann amendment. Mr. CULLOP, of Indiana, originally offered this amendment, but when this bill was up for consideration last December I believe the gentleman from Illinois adopted it and offered it—offered it and then voted against it, a rather peculiar situation for a distinguished man to occupy, but he did it, and his avowed purpose is to put the Democrats "in a hole." I do not think we ought to legislate in that way. I think we ought to be frank among ourselves, and especially when it involves a constitutional question. My friend from Illinois [Mr. MANN] voted against the amendment because in my judgment he thinks it is unconstitutional, and is not willing to undertake to limit the power of the President of the United States under the Constitution by any such proposition. For a little while I want to discuss this point, and I ask unanimous consent to have the privilege of extending my remarks in the RECORD upon this point of the Mann-Cullop amendment if I do not have time to finish it. The Constitution, Article II, section 2, provides:

SEC. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The Constitution has vested in the President of the United States the power to make these appointments, and that is, therefore, a constitutional prerogative, a constitutional power. Congress can not make these appointments. If Congress can not make them, Congress has not the power to tell the President how they shall be made. The President, by and with the advice and consent of the Senate, has been designated by Congress under the Constitution as the power to make these appointments. The Constitution makes it plain that this House has no power to appoint to such an office as contemplated in this bill. The moment Congress puts it in the power of the President to make this appointment, then he makes it under the Constitution. Can you delegate power under the Constitution to the President and take it away at the same time? This power is vested in the President, by and with the advice and consent of the Senate, or by special enactment may be vested in the President alone, in the courts of law, or in the heads of departments. It follows that the House has no power to prescribe the conditions under which it shall be exercised. If the House has power to prescribe the conditions contained in this amendment, then why can they not stretch this power to still other conditions until this constitutional provision has been entirely wiped out?

It is not a question of whether we think such a law would be beneficial, for if it is an encroachment upon the President's prerogative as fixed by the Constitution, then it is our sworn duty to uphold the Constitution until it is changed in the manner provided therein.

The Secretary of War under President Jackson quotes the President as holding that—

Upon the preservation of the Constitution, as well in its partition of duties as in its limitations upon their exercise, depends the stability of this Government which the people have established.

Mr. MADDEN. Will the gentleman yield?

Mr. WEBB. I will.

Mr. MADDEN. Would not the mere fact that the President had to make public the indorsements sent to him regarding the appointment of a candidate for office take away some of his constitutional privileges?

Mr. WEBB. Would it take them away?

Mr. MADDEN. Yes.

Mr. WEBB. Of course it would.

Mr. MADDEN. In what way? It does not take the power of appointment away.

Mr. WEBB. The power of appointment includes the right to pass upon the recommendations and indorsements of applicants.

Mr. MADDEN. Not necessarily.

Mr. WEBB. They are part of the same transaction.

Mr. MADDEN. Not necessarily.

Mr. WEBB. I will deal with that in a moment if the gentleman will allow me to come to it.

But the advocates of this amendment will contend that the simple provision requiring "the President to make public all indorsements made in behalf of the person appointed as such district judge" does not in any way interfere with his right of appointment. A proviso, such as is used in this amendment, is defined to be "a limitation or exception to a grant made or authority conferred, the effect of which is to declare that the one shall not operate or the other be exercised unless in the case provided." It always implies a condition, unless subsequent words change it to a covenant. This amendment when examined, apart from any constitutional provision, would mean that the President is only authorized to make this appointment, by and with the advice and consent of the Senate, on condition that he make public all indorsements; otherwise he is not authorized.

The act contemplates that the exercise of the power shall be dependent upon the compliance with the terms of the proviso, and yet the language used makes it impossible to comply until after the appointment is made, and fixes no limit of time. Would the appointment by and with the advice and consent of the Senate be nullified by the subsequent failure of the President?

In 1860 the House passed an appropriation bill which contained various items, among which was the appropriation—

For the completion of the Washington Aqueduct, \$500,000, to be expended according to the plans and estimates of Capt. Meigs and under his superintendence: *Provided*, That the office of engineer of the Potomac Waterworks is hereby abolished and its duties shall hereafter be discharged by the chief engineer of the Washington Aqueduct.

President Buchanan in his message to the House of Representatives on June 25 expressed approval of the appropriation "for the wise and beneficial object," but made it clear to the House that he did not acknowledge their right to interfere with the right of the President to be "Commander in Chief of the Army and Navy of the United States." After placing a strained construction upon the objectionable clause in order to relieve it of its constitutional objection, and after pointing out the disastrous effects it would have if given its literal meaning, he says:

Under these circumstances I have deemed it but fair to inform Congress that while I do not consider the bill unconstitutional, this is only because, in my opinion, Congress did not intend by the language which they have employed to interfere with my absolute authority to order Capt. Meigs to any other service I might deem expedient. My perfect right still remains, notwithstanding the clause, to send him away from Washington to any part of the Union to superintend the erection of a fortification or on any other appropriate duty.

In concluding his message President Buchanan adds the following:

It is not improbable that another question of grave importance may arise out of this clause. Is the appropriation conditional and will it fail provided I do not deem it proper that it shall be expended under the superintendence of Capt. Meigs? This is a question which shall receive serious consideration, because upon its decision may depend whether the completion of the waterworks shall be arrested for another season.

The rights of the House to demand information from the Executive are briefly but accurately stated in the resolution embodied in the report from the Committee on Indian Affairs made to the House by Mr. James Cooper, of Pennsylvania, upon the message of President Tyler, in which he had declined to furnish to the House information as to the affairs of the Cherokee Indians, and as to frauds upon them. The first resolution, which was adopted by a vote of 140 to 8, reads as follows:

Resolved, That the House of Representatives has the right to demand from the Executive such information as may be in his possession relating to subjects of the deliberations of the House and within the sphere of its legitimate powers.

This is all the House should ever claim. This same report goes on to discuss the matter and attempts to make it plain to the President that they recognize his rights, as follows:

This, it will be remarked, does not include any assertion of right on the part of the House to demand from the Executive the information in his possession relating to negotiations with foreign Governments or appointments to office. By the Constitution the power of making treaties is vested in the President and Senate. The House has no participation in the treaty-making power, nor in that of appointment to office—

And so forth.

President Washington, in a message to the House of Representatives of the 30th of March, 1796, declined to comply with a request contained in a resolution of that body to lay before them—

a copy of the instructions to the ministers of the United States who negotiated the treaty with the King of Great Britain, together with the correspondence and other documents relating to the said treaty, excepting such of the said papers as any existing negotiations may render improper to be disclosed.

While this resolution seeks to review the exercise of the power by the President of making treaties, as contained in this same paragraph of the Constitution, what is said by the Presi-

dent is equally applicable in the case now under discussion. The President closed his message to the House with the following:

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty, as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duties of my office, under all the circumstances of the case, forbid a compliance with your request.

The fact that this amendment requires the information to be given to the public and not to this House but weakens the contention. The House can have no more power to demand information for the public than for its own use. It will not be contended by the friends of this amendment that it is intended to procure information for the House bearing upon pending legislation. Its real object is to supervise and review the acts of the Chief Executive.

In 1886 the Senate called for the documents and papers filed in the Department of Justice in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama, and having exclusive reference to the suspension by the President of George M. Duskin, the late incumbent. Answering this request of the Senate, Mr. Cleveland, in a message on March 1, 1886, among other things, said:

While, therefore, I am constrained to deny the right of the Senate to the papers and documents described, so far as the right to the same is based upon the claim that they are in any view of the subject official, I am also led unequivocally to dispute the right of the Senate, by the aid of any documents whatever, or in any way save through the judicial process of trial on impeachment, to review or reverse the acts of the Executive in the suspension, during the recess of the Senate, of Federal officials.

The requests and demands which by the score have for nearly three months been presented to the different departments of the Government, whatever may be their form, have but one complexion. They assume the right of the Senate to sit in judgment upon the exercise of my exclusive discretion and executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office. My oath to support and defend the Constitution, my duty to the people who have chosen me to execute the powers of their great office and not to relinquish them, and my duty to the Chief Magistracy, which I must preserve unimpaired in all its dignity and vigor, compel me to refuse compliance with the demand.

That was passed by the House of Representatives and had been the construction placed on this matter since the days of John Tyler.

Mr. KAHN. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. KAHN. Does not the gentleman believe that the provision, if incorporated into the law, will allow this condition to arise—a corporation or a trust that might be opposed to the appointment of some man who is named as a possible appointee for the position might, through its officers, send on recommendations to the President of the United States urging the appointment of this man without the knowledge or request of any friend of the man. Is there not danger in that?

Mr. WEBB. The gentleman is exactly right. If the greatest lawyer, a good man, were about to be appointed to office and a trust, some unpopular organization in the United States, were opposed to that good man, the way to defeat him would be to write to the President and tell him that they wanted to see this man made judge, and the President would be either embarrassed or the judge himself would be embarrassed after the appointment.

Mr. LENROOT. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. LENROOT. Does the gentleman think that would afford a reason for repudiating that plank of the platform?

Mr. WEBB. Oh, well, that has been thrashed out so much that I do not care to take the time in discussing it. I know there is some platform declaration commending this kind of legislation, but platforms are not binding on a man's conscience when he comes to construe the Constitution of the United States.

Mr. LENROOT. The gentleman is now referring to a constitutional question.

Mr. WEBB. I think it is a credit to any man who voted one way and, after studying the question, because he was convinced that he ought not to do it under the Constitution, for him to change his vote rather than stick to his old opinion.

Mr. LENROOT. Will the gentleman yield?

Mr. WEBB. I will.

Mr. LENROOT. The inquiry of the gentleman from California, in which the gentleman from North Carolina concurred, was not directed to the constitutional question at all, but to the matter of policy.

Mr. WEBB. I know it was not.

Mr. MANN. Will the gentleman yield?

Mr. WEBB. I do.

Mr. MANN. Do I understand the gentleman's contention is the Democratic platform commended the House of Representatives for inserting an unconstitutional provision?

Mr. WEBB. The gentleman knows how platforms are made.

Mr. MANN. I know; but I am talking about this contention.

Mr. WEBB. They commended that as a matter of policy; they had not discussed or studied the constitutional side of it.

Mr. MANN. That was molasses to catch flies.

Mr. WEBB. They voted upon that question without having to put their hands upon a Bible and swear to support the Constitution and they recommended that as a policy. When we come to vote here we come with the knowledge that we put our hands upon the Bible, swearing to support the Constitution, the greatest instrument, which is our chart and compass, and, as it has been called, the greatest instrument that ever came from the mind of man.

Mr. BURKE of South Dakota. Is it not a fact the same argument was made when the original Cullop amendment was adopted by the House that the gentleman is making, that the very same question was brought out which the gentleman from California has suggested?

Mr. WEBB. I did not hear it, I will say to the gentleman.

Mr. CULLOP. Will the gentleman yield?

Mr. WEBB. I do.

Mr. CULLOP. In the passage of the civil office tenure act did not both branches of Congress, by an overwhelming majority, write this very provision into the law of the land and did it not remain there for many, many years?

Mr. WEBB. They never provided it for the appointment of Federal judges, and never have and never will and never ought to, as long as the Constitution remains unchanged on this point.

Mr. CULLOP. Did not it apply to every appointment and every removal that the President made?

Mr. WEBB. No; and as my friend from Georgia [Mr. BARTLETT] suggests, that was passed when the Constitution was silent under the clash of arms in the United States.

Mr. CULLOP. But did it not go on for more than 30 years after the war closed?

Mr. WEBB. I do not yield any further to my friend.

Mr. CULLOP. And the Executive was changed.

Mr. WEBB. I say again, whatever may have been legislation with regard to minor officers which the Constitution provides for, Congress has never passed any such amendment as this with reference to the appointment of Federal judges, never will, and never should. I take it as almost a reflection upon the President of the United States to put in such a provision. It is an admission that you do not trust him; and if you do not do so, you had better abolish your form of Government. You can not tie the strings around everything you would expect him to do, because there are some people just about as good as those who want to hold the strings.

Mr. GORDON. How does it interfere with the President's right to appoint wholly regardless of any recommendations that might be made?

Mr. WEBB. Not at all.

Mr. GORDON. Then how does it interfere with the constitutional power to appoint?

Mr. WEBB. I fear he will not sign the bill. We put it up to him as a condition on which he shall make the appointment.

Mr. GORDON. But you just said it did not interfere with the right to appoint in any way?

Mr. WEBB. Of course; it does not. The President, I fear, will not sign the bill, if you put this proposition up to him, if he thinks it is unconstitutional. If he should sign the bill with this proviso in it, he might feel bound to make the recommendations public.

Mr. MADDEN. Will the gentleman yield?

Mr. WEBB. I will.

Mr. MADDEN. The gentleman said that this gave evidence of distrust of the President. Did the gentleman from North Carolina have it in his mind that he would not trust the President when he voted for this amendment?

Mr. WEBB. I did not. It came up here one day several years ago like a flash of lightning out of a clear sky. I have not studied the question, and I had no idea of reflecting on anybody.

Now, Mr. Speaker, I am citing in this speech numbers of cases similar to this where the House attempted to violate these constitutional provisions and the President has declined to accede to the request of the House. He has as strict a prerogative within his constitutional sphere as you gentlemen have in yours. You must not trespass upon his, and he will not trespass upon yours. The three cardinal principles on which this Government

rests are those which separate the executive, legislative, and judicial branches of the Government. The House attempted this sort of thing in Gen. Grant's time.

In 1876 President Grant declined to answer an inquiry of the House as to whether or not he had performed any Executive acts at a distance from the seat of government in the following language:

I have never hesitated and shall not hesitate to communicate to Congress, and to either branch thereof, all the information which the Constitution makes it the duty of the President to give or which my judgment may suggest to me or a request from either House may indicate to me will be useful in the discharge of the appropriate duties confided to them. I fail, however, to find in the Constitution of the United States the authority given to the House of Representatives (one branch of the Congress in which is vested the legislative power of the Government) to require of the Executive, an independent branch of the Government, coordinate with the Senate and House of Representatives, an account of his discharge of his appropriate and purely executive offices, acts, and duties, either as to when, where, or how performed.

What the House of Representatives may require as a right in its demand upon the Executive for information is limited to what is necessary for the proper discharge of its powers of legislation or impeachment. The inquiry in the resolution of the House as to where Executive acts have within the last seven years been performed and at what distance from any particular spot, or for how long a period at any one time, etc., does not necessarily belong to the province of legislation. It does not profess to be asked for that object.

By a message dated September 30, 1890, President Benjamin Harrison returned to the House of Representatives, without his approval, the joint resolution declaring the retirement of Capt. Charles B. Shivers, of the United States Army, legal and valid, and that he is entitled as such officer to his pay. The President says:

It is undoubtedly competent for Congress by an act or joint resolution to authorize the President, by and with the advice of the Senate, to appoint Capt. Shivers to be a captain in the Army of the United States and to place him upon the retired list. It is also perfectly competent, by suitable legislation, for Congress to give to this officer the pay of this grade during the interval of time when he was improperly carried upon the Army lists. But the joint resolution, which I herewith return, does not attempt to deal with the case in that way. It undertakes to declare that the retirement of Capt. Shivers was legal and valid, and that he always has been and is entitled to his pay as such officer. I do not think this is a competent method of giving the relief intended.

The message states the facts to be that Capt. Shivers was summarily dismissed from the Army by order of the President on July 15, 1863. On August 11, 1863, an order was issued revoking this order of dismissal and restoring Capt. Shivers to duty as an officer of the Army. On December 30, 1864, Capt. Shivers, by proper order, was placed on the retired list of the Army. The Supreme Court (114 U. S., 619) had decided that the President had the authority to so separate an officer from the service, and that having been thus separated he could not be restored except by nomination to the Senate and confirmation thereby. The Attorney General therefore gave an opinion that Capt. Shivers was not an officer on the retired list of the Army.

This message was referred to the Committee on Military Affairs and was not acted on further.

While not questioning the right of the House to decline to appropriate for a diplomatic office, President Grant protested against its assumption that it might give directions as to that service. On August 15, 1876, President Grant sent the following message to the House:

In announcing as I do that I have attached my signature of official approval to the act making appropriations for the Consular and Diplomatic Service of the Government for the year ending June 30, 1877, and for other purposes, it is my duty to call attention to a provision in the act directing that notice be sent to certain of the diplomatic and consular officers of the Government "to close their offices."

In the literal sense of this direction it would be an invasion of the constitutional prerogatives and duty of the Executive.

In calling attention to the passage which I have indicated I assume that the intention of the provision is only to exercise the constitutional prerogative of Congress over the expenditures of the Government and to fix a time at which the compensation of certain diplomatic and consular officers shall cease, and not to invade the constitutional rights of the Executive, which I should be compelled to resist, and my present object is not to discuss or dispute the wisdom of failing to appropriate for several officers, but to guard against the construction that might possibly be placed on the language used as implying a right in the legislative branch to direct the closing or discontinuing of any of the diplomatic or consular offices of the Government.

The message was debated at some length, and in the course of the discussion reference was made to the precedent in the case of Mr. Harvey, whom President Johnson appointed minister to Portugal. The Congress declined for a time to appropriate for his salary, but later did so. The message was referred to the Committee on Appropriations, no action on the part of the House being contemplated.

The question suggests itself, For what purpose is it desired that these indorsements should be made public? Whatever the House might think of the indorsements it would, when published, be helpless to change the appointment. If an unfit man

was named as judge, it would have the right to prefer charges against him and impeach him. These charges would have to be based upon misconduct in office and not upon objectional indorsements. The public would not have this power, but could only criticize. There is no law to prevent any person from indorsing another for office. There would be no way to ascertain what weight the President gave to any particular indorsement. He might act upon personal information gained in the course of many casual conversations which would be difficult, if not impossible, to concisely state. It would be manifestly unfair to the President to have him judged in the public forum upon the formal indorsements. Let him be judged by results. If he makes a wise appointment, the public will know it and applaud; if unwise, they will not be slow to condemn. He is already accountable to the people who elect him and should be given a fair trial.

The future of this Government depends largely upon our vigilance in observing the limits of power set for the several departments of the Government.

If this amendment were not unconstitutional, still this House would have no right to assume that it possesses superior wisdom and virtue, and therefore could justify its right to demand superior power to review the acts of the Executive.

A just regard for the wisdom, virtue, and constitutional power of the Executive will insure a divided responsibility which, in the opinion of the framers of the Constitution, would guarantee better government.

As said by President Washington, regarding the right of the House of Representatives to demand papers respecting a negotiation with a foreign power, "to admit such right would be to establish a dangerous precedent." While the information sought by this amendment may not within itself have far-reaching effect, and by many may be regarded as a safeguard rather than a pitfall, yet, as stated by President Jackson, "precedents established for good purposes are easily perverted to bad ones."

The logical and far-reaching effects which should naturally be expected as a result of discarding the bounds of power set by the Constitution and starting on this policy of encroachment are forcibly pointed out in the speech of Mr. Buck delivered in opposition to the resolution, already referred to, calling upon President Washington for documents and correspondence in regard to a treaty with Great Britain. He said, in part:

I am opposed to the resolution now under consideration, not from an apprehension that the papers referred to will not bear the public scrutiny or from a belief that there would be the least reluctance on the part of the Executive to deliver them on account of any such apprehensions of his; but I am opposed to the resolution in point of principle, because I conceive those papers can be of no use to us, unless to gratify feelings of resentment or of vain curiosity. As I would never sacrifice principle to these motives and thereby fix a precedent pernicious in its consequences, I hope for the indulgence of the House while I offer my sentiments upon the subject.

But if we are to take upon ourselves the right of judging whether it was expedient to make the treaty or not, whether it is as good as one as might have been obtained or not, and if we are to assume the power of judging upon the merits as well as the constitutionality of it, then those papers may be necessary; and if we possess the power of thus judging, then we may equally possess the right to call for those papers. But from whence do we derive this right and power? Have the people, when coolly deliberating upon and forming the Constitution, which is the expression of their dispassionate will, in that Constitution given us this right? No; not a syllable in the Constitution that ever intimates the idea. Do we possess the right merely because we are the representatives of the people? No; that can not be, for we are their representatives only for particular purposes, and the Constitution has prescribed to us our bounds, and assigned to us the limits of our powers as well as to the Executive. Are we to derive this right from popular opposition to the treaty, and from thence say that it is the will of the Nation that we should exercise this right of inquiry? Is, then, popular clamor, which originates in discontent, fostered in violence and passion, and stimulated by the intrigues of interested and ambitious individuals, to be taken as the dispassionate will of the Nation? If so, how are we to designate and mark out the numbers of the discontented? Are we to learn it from inflammatory newspaper publications, teeming with invectives against Government and its measures, and not carrying even the appearance of reason with them? These can furnish no data by which to determine whether it is one-tenth or even one-thousandth part of the Nation that are dissatisfied. * * * If so, where shall we stop? If we, by an assumption of power, may invade the prerogatives of the people vested in the President as their representative in making treaties, and may rifle the sacred deposit of their confidential correspondence with foreign nations, and judge upon the merits of a treaty, then may we reverse the judgment of the President and Senate and annul the treaty. Who is then to make the next? Is it supposable that the President will again attempt it, when the principle is fixed that he and the Senate are not the ultimate judges of its merits? No; to me this is absurd. We must, then, take the whole business to ourselves, and become the negotiators as well as the ratifiers of a treaty; and if we may do this, upon the same principle whenever there shall be a popular clamor raised against the persons appointed to the judiciary department we may interpose, call on the President for the reasons of his making the appointment, declare it injudicious, withhold appropriations for the salaries, and engross all the judiciary powers to ourselves. Upon the same principle we may ultimately determine upon our own adjournments, declare our sittings perpetual, constitute ourselves the judges and executioners of the law, and become the accusers, judges, and

executioners of our fellow citizens. This would be forming an aristocracy with a witness; and where then would be the boasted rights of America, for which she fought and bled?

Therefore, Mr. Speaker, I hope we may have a vote on this Cullop amendment from a conscientious constitutional standpoint, as an interpretation of the Constitution as to our divided powers of Government, the distinction between the legislative, the executive, and the judicial. We have no right or authority to encroach upon the power of the President when he comes to make these appointments, any more than he would have the right to send for your manuscript or recommendations when you made a certain speech on the floor of the House. You are independent in your sphere, as the Executive is independent in his sphere.

Mr. GORDON. What is your view generally—and I submit this question because you are chairman of the Judiciary Committee, and your judgment is entitled to great consideration—of what are the rights of the public as to going to any of the departments of the Government and obtaining information concerning applicants for office?

Mr. WEBB. There is a good deal to be said in favor of that sort of a suggestion and a good deal against it. A bad but powerful man may be an applicant for office, and you and I may want to write to the President and tell him why this man should not be appointed, and tell him confidentially the reasons why we think he is a bad man. You would not want your letter made public. But the fact that correspondence is more or less sacred and guarded by these officers is one reason why men confide in them and tell them the truth.

Mr. NORTON. The question of the gentleman from Ohio [Mr. GORDON] brings to my mind the question of whether you believed or thought that the public should be entitled to examine the records in the different departments? Now, I should like to ask this: Do you think that Members of Congress should have the right to examine the records in the different departments? I know personally that that privilege is not granted to at least Republican Members.

Mr. WEBB. It would take quite a while to answer my friend's question according to my view, and it is aside from the merits of this question, and I hope he will not take my time to discuss that. It is not now before the House.

Mr. CULLOP. Will the gentleman permit a short question?

Mr. WEBB. Yes, sir.

Mr. CULLOP. I wish to say that if this amendment were adopted it would prevent men from fooling candidates for office. They could not indorse all of them without it being made public, and it would eliminate a lot of hypocrisy.

Mr. WEBB. I am not going to agree to violate the Constitution of the United States in order to prevent the making of political hypocrites.

Mr. MANN. Mr. Speaker, I ask for a separate vote on the three amendments.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] did that two hours ago.

Mr. CRISP. Mr. Speaker, I want to modify my motion and, with the permission of the House, to move to concur in the first and third amendments and nonconcur in amendment No. 2.

Mr. MANN. It is six of one and half a dozen of the other.

The SPEAKER. Both the gentleman from Illinois [Mr. MANN] and the gentleman from Wisconsin [Mr. STAFFORD] ask that these amendments be voted on separately.

Mr. CULLOP. Now, Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. CULLOP. I was going to ask that we have a vote by a roll call, but I will not make that request now.

The SPEAKER. The Clerk will report the first Senate amendment.

The Clerk read as follows:

Page 1, line 9, of the House print, after the word "therein," strike out the colon and the proviso, as follows: "Provided, however, That the President shall make public all indorsements made in behalf of the person appointed as such district judge."

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under the form of this amendment, those who wish to vote for this amendment will vote "no." Is that correct? Those who wish to retain this provision in the bill will vote "no"?

The SPEAKER. Those who wish to retain the Cullop amendment will vote "no." Those who want to vote against it will vote "aye."

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Is there any way by which a vote can be had against the Cullop amendment and then a vote also had against the bill?

The SPEAKER. The Chair did not understand what the gentleman said.

Mr. SHERLEY. There are a number of us who are not in favor of the Cullop amendment and at the same time are not in favor of the bill. We would like to have a chance to express both views, if possible.

The SPEAKER. There is no way that the Chair knows of doing that at this time. Those who are in favor of the Cullop amendment will vote "no." Those that are opposed to it will vote "aye."

Mr. CRISP. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. CRISP. There has been no demand for the yeas and nays on this amendment.

The SPEAKER. The Chair knows that. He was not putting the question by yeas and nays.

Mr. MANN. Well, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll.

Mr. CULLOP rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. CULLOP. I would like to have the Speaker state the question on which the vote is to be taken. The Speaker just now stated that question erroneously. He said those in favor of the Cullop amendment would vote "aye." Those opposed will vote "no." It is just the reverse.

The SPEAKER. Well, the Chair has correctly stated it. The Clerk will call the roll.

The question was taken; and there were—yeas 99, nays 202, answered "present" 4, not voting 119, as follows:

[Roll No. 87.]

YEAS—99.

Adamson	Doremus	Jacoway	Rainey
Aiken	Dupré	Kent	Rayburn
Alexander	Edwards	Kirkpatrick	Saunders
Allen	Fergusson	Kitchin	Sherley
Bailey	Finley	Lazaro	Slayden
Bartlett	FitzHenry	Lee, Ga.	Smith, Idaho
Beakes	Floyd, Ark.	Leshner	Sparkman
Beall, Tex.	French	Lever	Switzer
Bell, Ga.	Gard	Levy	Taggart
Blackmon	Garner	Linthicum	Talcott, N. Y.
Boeber	Garrett, Tenn.	Lloyd	Ten Eyck
Borland	Gittins	Logue	Townsend
Broussard	Goldfogle	Metz	Tuttle
Brown, N. Y.	Graham, Pa.	Montague	Underhill
Bulkley	Griest	Morrison	Underwood
Burnett	Gudger	Murray	Vinson
Butler	Harrison	Padgett	Vollmer
Caraway	Hay	Page, N. C.	Weaver
Carlin	Hayes	Park	Webb
Carter	Holland	Parker, N. J.	Whaley
Claypool	Howard	Patten, N. Y.	Whitacre
Coady	Howell	Platt	White
Connolly, Iowa	Hughes, Ga.	Plumley	Williams
Crisp	Humphreys, Miss.	Pou	Witherspoon
Dies	Igoe	Price	

NAYS—202.

Abercrombie	Decker	Gray	Konop
Adair	Deltrick	Green, Iowa	Kreider
Ainey	Dent	Greene, Mass.	La Follette
Anderson	Dershem	Greene, Vt.	Langley
Anthony	Dickinson	Gregg	Lentroot
Aswell	Difenderfer	Guernsey	Lieb
Austin	Dillon	Hamilton, Mich.	Lindbergh
Avis	Dixon	Hamlin	Loneragan
Baltz	Donohoe	Hardy	McGillcuddy
Barkley	Donovan	Harris	McKellar
Barton	Doolittle	Haugen	McKenzie
Borchers	Doughton	Hawley	McLaughlin
Britten	Drukker	Hayden	MacDonald
Brockson	Eagan	Healin	Madden
Brown, W. Va.	Eagle	Helgesen	Maguire, Nebr.
Browne, Wis.	Edmonds	Helm	Mann
Browning	Esch	Helvering	Mapes
Bryan	Evans	Henry	Miller
Buchanan, Ill.	Falconer	Hinds	Mitchell
Buchanan, Tex.	Farr	Hinebaugh	Mondell
Burke, S. Dak.	Ferris	Hughes, W. Va.	Moore
Burke, Wis.	Fess	Hulings	Morgan, Okla.
Calder	Fitzgerald	Humphrey, Wash.	Moss, Ind.
Callaway	Fordney	Johnson, Ky.	Moss, W. Va.
Campbell	Foster	Johnson, Utah	Mott
Candler, Miss.	Fowler	Johnson, Wash.	Murdock
Chandler, N. Y.	Frear	Kahn	Neeley, Kans.
Chine	Gardner	Keating	Neely, W. Va.
Connelly, Kans.	Garrett, Tex.	Kelley, Mich.	Nelson
Cooper	Gillett	Kelly, Pa.	Nolan, J. I.
Cox	Gillmore	Kennedy, Iowa	Norton
Cullop	Godwin, N. C.	Kennedy, R. I.	Oldfield
Curry	Goeke	Kettner	Palge, Mass.
Darvorth	Gordon	Kiess, Pa.	Parker, N. Y.
Davenport	Goulden	Kinkaid	Patton, Pa.
Davis	Graham, Ill.	Knowland, J. R.	Peters

Phelan	Russell	Stephens, Nebr.	Towner
Plumley	Scott	Stephens, Tex.	Tribble
Porter	Seldomridge	Stevens, Minn.	Vaughan
Powers	Sherwood	Stone	Volstead
Quin	Sims	Stringer	Wailin
Raker	Simp	Sutherland	Walters
Rauch	Smith, J. M. C.	Tavener	Watkins
Reed	Smith, Saml. W.	Taylor, Ala.	Watson
Reilly, Conn.	Smith, Minn.	Taylor, Ark.	Wingo
Reilly, Wis.	Smith, Tex.	Taylor, Colo.	Winslow
Roberts, Mass.	Stafford	Temple	Woods
Rogers	Stedman	Thacher	Young, N. Dak.
Rouse	Steenerson	Thomas	Young, Tex.
Rubey	Stephens, Cal.	Thompson, Okla.	
Rucker	Stephens, Miss.	Thomson, Ill.	

ANSWERED "PRESENT"—4.

Flood, Va.	Gill	Key, Ohio	Moon
------------	------	-----------	------

NOT VOTING—119.

Ashbrook	Dooley	Kennedy, Conn.	Ragsdale
Baker	Driscoll	Kindel	Riordan
Barchfeld	Dunn	Korby	Roberts, Nev.
Barnhart	Elder	Lafferty	Rothermel
Bartholdt	Estopinal	Langham	Rupley
Bathrick	Fairchild	Lee, Pa.	Sabath
Bell, Cal.	Faison	L'Engle	Scully
Bowdie	Fields	Lewis, Md.	Sells
Brodbeck	Francis	Lewis, Pa.	Shackleford
Bruckner	Gallagher	Lindquist	Shreve
Brumbaugh	Gallivan	Lobeck	Sinnott
Burgess	George	Loft	Sisson
Burke, Pa.	Gerry	McAndrews	Sloan
Byrnes, S. C.	Glass	McClellan	Small
Byrnes, Tenn.	Good	McGuire, Okla.	Smith, Md.
Cantor	Goodwin, Ark.	Mahan	Smith, N. Y.
Cantrill	Gorman	Maher	Stanley
Carew	Griffin	Manahan	Stevens, N. H.
Carr	Hamill	Martin	Stout
Cary	Hamilton, N. Y.	Morgan, La.	Summers
Casey	Hart	Morin	Talbot, Md.
Church	Hensley	Mulkey	Taylor, N. Y.
Clancy	Hill	O'Brien	Treadway
Clark, Fla.	Hobson	Oglesby	Vare
Collier	Houston	O'Hair	Walker
Conry	Hoxworth	O'Shaunessy	Walsh
Copley	Hull	Palmer	Wilson, Fla.
Cramton	Johnson, S. C.	Peterson	Wilson, N. Y.
Crosser	Jones	Post	Woodruff
Dale	Kelster	Prouty	

So the motion to concur in Senate amendment No. 1 was rejected.

The Clerk announced the following pairs:

For this day:

Mr. Sisson with Mr. Good.

Until further notice:

Mr. BYRNS of Tennessee with Mr. TREADWAY.

Mr. BURGESS with Mr. LINQUIST.

Mr. JOHNSON of South Carolina with Mr. BARTHOLDT.

Mr. SCULLY with Mr. FAIRCHILD.

Mr. GALLIVAN with Mr. KEISTER.

Mr. WILSON of Florida with Mr. DUNN.

Mr. WALKER with Mr. VARE.

Mr. GOODWIN of Arkansas with Mr. BARCHFELD.

Mr. GALLAGHER with Mr. LEWIS of Pennsylvania.

Mr. SMALL with Mr. COPLEY.

Mr. DALE with Mr. ROBERTS of Nevada.

Mr. ASHBROOK with Mr. BELL of California.

Mr. BYRNS of South Carolina with Mr. CRAMTON.

Mr. CANTRILL with Mr. BURKE of Pennsylvania.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. COLLIER with Mr. HAMILTON of New York.

Mr. ESTOPINAL with Mr. MCGUIRE of Oklahoma.

Mr. FIELDS with Mr. CARY.

Mr. GLASS with Mr. MARTIN.

Mr. HENSLEY with Mr. MANAHAN.

Mr. HOUSTON with Mr. MORIN.

Mr. HULL with Mr. PROUTY.

Mr. MCANDREWS with Mr. SELLS.

Mr. MORGAN of Louisiana with Mr. SHREVE.

Mr. SHACKLEFORD with Mr. SINNOTT.

Mr. TALBOTT of Maryland with Mr. SLOAN.

Mr. BRODBECK. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening?

Mr. BRODBECK. No; I was not. I was on the way.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. GILL. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?

Mr. GILL. I do not think I can bring myself within the rule. I did not get into the Hall until after my name was called.

The SPEAKER. The gentleman, under his statement, does not bring himself within the rule.

Mr. GILL. Then I will vote present.

The SPEAKER. The motion to concur is rejected, which is equivalent to disagreeing to the amendment. The Clerk will report the third amendment.

The Clerk reported Senate amendment No. 3.

Mr. STAFFORD. Mr. Speaker, this is the third amendment.

The SPEAKER. Yes.

Mr. STAFFORD. What becomes of the second amendment?

The SPEAKER. The Chair will put that later. They did not want to concur in that, but did want to concur in this one.

Mr. MANN. I know; but what "they" want does not determine the order in which amendments shall be voted upon.

The SPEAKER. The Clerk will report the second Senate amendment.

The Clerk read as follows:

Strike out all of section 2, which reads as follows:

"Sec. 2. That whenever a vacancy shall occur in the office of the district judge for the southern district of the State of Georgia senior in commission such vacancy shall not be filled, and thereafter there shall be but one district judge in said district."

The SPEAKER. The question is on concurring in this amendment.

The motion was rejected.

The SPEAKER. The motion to concur is rejected, which is equivalent to a disagreement. The Clerk will report the third amendment.

The Clerk read as follows:

Strike out all of section 3, which reads as follows:

"Sec. 3. That the senior circuit judge of the circuit in which the southern district of Georgia lies shall make all necessary orders for the division of business and the assignment of cases for trial in said district between the several district judges therein."

The SPEAKER. The question is on concurring in this amendment.

The question being taken, the Speaker announced that the noes appeared to have it.

On a division (demanded by Mr. CRISP), there were—ayes 35, noes 101.

The SPEAKER. The House refuses to concur in the third amendment, which is equivalent to a disagreement.

Mr. WEBB. Now, Mr. Speaker, I ask that the House request a conference with the Senate on the disagreeing votes of the two Houses on the bill.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House request a conference on the disagreeing votes of the two Houses on the bill. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Speaker, before the conferees are appointed I send the following motion to the Clerk's desk. I believe this is the proper time to instruct the conferees.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. CULLOP moves that the House conferees be instructed not to concur in Senate amendment No. 1, which is to strike out, on page 1, line 9, after the word "therein," the words "Provided, however, That the President shall make public all indorsements made in behalf of the person appointed as such district judge."

Mr. WEBB. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WEBB. I want to know if this is debatable.

Mr. CULLOP. I move the previous question.

Mr. WEBB. The gentleman can hardly take me off my feet to make that motion.

The SPEAKER. The gentleman from North Carolina has already claimed the floor.

Mr. WEBB. Mr. Speaker, I just want to say that I hope the House will pass no such resolution as that. The conferees will understand their duty and will obey the mandate of this House. It would be an unusual proceeding to instruct the conferees in this fashion and thus foreclose any conference whatever, because the Senate would never meet the House conferees if that resolution should be adopted, as well as an affront to the Senate.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. MANN. Does the gentleman recall the fact that this House, in this Congress, has already passed a similar instruction on another bill, and that the Senate conferees readily met the House conferees when the House conferees were instructed in the identical language of the instruction now offered?

Mr. WEBB. On what bill was that?

Mr. CULLOP. On the Pennsylvania judgeship.

Mr. MANN. On the Philadelphia judgeship.

Mr. WEBB. The House finally yielded on that anyway and struck out the Cullop amendment; and I understand that the Senate conferees never met ours officially after the resolution was adopted.

Mr. MANN. That is another proposition.

Mr. WEBB. That was after it had been voted on several times.

Mr. MANN. But there was no objection on the part of the Senate to appointing conferees, although the House conferees were instructed in this identical way.

It will relieve the gentleman of much embarrassment, because I do not think the Speaker would be warranted in appointing three conferees who had voted against the practical instruction of the House. The gentleman from North Carolina and the next gentleman on that side of the House on the Judiciary Committee do not represent the sentiment of the House under the vote just taken, and I should think that the gentleman would welcome the instruction.

Mr. WEBB. I suppose the gentleman from Illinois knows, although it does not represent our sentiment, that we will represent the sentiment of the House in conference, and he need not worry about that. I have no personal interest in this bill; it is my desire to carry out the mandate of the House. I have done my duty as chairman of the committee, and that is all I expect to do. I will carry out the mandate of the House, and the gentleman from Illinois and the gentleman from Indiana need not worry about that.

The SPEAKER. Has the gentleman from North Carolina yielded the floor?

Mr. WEBB. No; I have not, but I am about to yield the floor. I do not think these instructions ought to be adopted. The conferees will carry out the mandate of the House, and I think it would be a reflection on the House conferees to adopt such instructions.

Mr. CULLOP. Mr. Speaker, I desire to be heard in reply for just a moment, and I assure all that the motion means no reflection on the conferees. They ought to desire the instructions. I would be the last to cast such a reflection. Only a few moments ago the distinguished chairman of the Judiciary Committee, for whom I have the highest regard, stated he was opposed to what is known as the Cullop amendment from conscientious conviction, and hence the adoption of this motion will enable him to support the amendment in conference because of the instruction given the conferees by this House, and thereby save him from embarrassment. I take it that he will be one of the House conferees because of his position. The adoption of this instruction would relieve him of all difficulty in the discharge of his duty as a conferee. There can be no objection to it, and in this Congress on a similar bill to this we passed a resolution by more than a hundred majority instructing the conferees on this same question, and it was considered no reflection upon them. The Senate did meet the House conferees and had a conference a number of times. Consequently the passage of this resolution can not be considered a reflection upon the conferees. It is not a reflection upon anybody. It is simply to show the Senate and the conferees of the Senate that the House means what it says upon this proposition, and that it has a right to be understood upon it.

Mr. CRISP. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. CRISP. Had not the House and Senate conferees had several conferences upon the matter in relation to the Pennsylvania bill the gentleman speaks of and reported a disagreement before the House adopted instructions to the conferees?

Mr. CULLOP. It had not at the time we disagreed to the Senate amendment, and the Record shows that we then instructed the conferees at the same time, just as we are proposing to do it now. The gentleman from Georgia, an experienced parliamentarian, knows we could not have done it at any other time.

Mr. WEBB. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. WEBB. Did not the House later reverse itself, notwithstanding its instructions, by knocking out the Cullop amendment?

Mr. CULLOP. Some time afterwards, and only after the gentleman from Pennsylvania importuned some of the Members to change their votes, as a personal accommodation doubtless to him; under his importunities they did change their votes.

Mr. WEBB. My suggestion is that these instructions are useless, because if any effort be made to have it adopted you will have a vote on it in the House.

Mr. CULLOP. It is not, in my judgment, useless at this time. The fact is that the conferees, if appointed as is generally done, are not in favor of this amendment, and there should be instructions from the House. To instruct will do no harm, but, on the contrary, be of benefit in disposing of the question. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Indiana moves the previous question on his resolution to instruct the conferees. The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the resolution.

The question was being taken when Mr. CULLOP demanded the yeas and nays.

The SPEAKER. The gentleman from Indiana demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 168, nays 125, answered "present" 3, not voting 127, as follows:

[Roll No. 88.]

YEAS—168.

Abercrombie	Falconer	Kelly, Pa.	Raker
Ainey	Farr	Kennedy, Iowa	Rauch
Anderson	Fess	Kennedy, R. I.	Reilly, Wis.
Anthony	Fitzgerald	Kettner	Rogers
Ashbrook	Fordney	Kiess, Pa.	Rubey
Aswell	Foster	Kinkaid	Scott
Austin	Fowler	Knowland, J. R.	Sherwood
Avis	Francis	Konop	Slomp
Barkley	Frear	Kreider	Smith, Idaho
Barton	Gardner	La Follette	Smith, J. M. C.
Borchers	Garrett, Tex.	Langley	Smith, Saml. W.
Britten	Gillett	Lenroot	Smith, Minn.
Brown, W. Va.	Gillmore	Lindbergh	Smith, Tex.
Browne, Wis.	Godwin, N. C.	Loneragan	Stafford
Browning	Goeke	McKellar	Steenerson
Buchanan, Ill.	Gordon	McKenzie	Stephens, Cal.
Buchanan, Tex.	Graham, Ill.	McLaughlin	Stephens, Miss.
Burke, S. Dak.	Gray	MacDonald	Stephens, Nebr.
Burke, Wis.	Greene, Mass.	Madden	Stevens, Minn.
Callaway	Gregg	Maguire, Nebr.	Stone
Candler, Miss.	Guernsey	Manahan	Stout
Chandler, N. Y.	Hamilton, Mich.	Mann	Stringer
Church	Hamilton, N. Y.	Mapes	Sutherland
Cline	Hamlin	Martin	Tavener
Connolly, Kans.	Hardy	Miller	Taylor, Ark.
Cooper	Haugen	Mitchell	Taylor, Colo.
Cox	Hawley	Mondell	Temple
Cramton	Heflin	Moore	Thompson, Okla.
Cullop	Helgesen	Moss, Ind.	Thompson, Ill.
Davenport	Helm	Moss, W. Va.	Towner
Davis	Henry	Mott	Tribble
Decker	Hinds	Murdock	Volstead
Deltrick	Hinebaugh	Neeley, Kans.	Wallin
Dickinson	Hobson	Nolan, J. I.	Walters
Diffenderfer	Hughes, W. Va.	Norton	Watson
Dillon	Hullings	Paige, Mass.	Whitacre
Dixon	Humphrey, Wash.	Parker, N. Y.	Wingo
Doolittle	Johnson, Ky.	Peters	Winslow
Drukker	Johnson, Utah	Platt	Witherspoon
Eagle	Johnson, Wash.	Plumley	Woods
Edmonds	Kahn	Powers	Young, N. Dak.
Esch	Kelley, Mich.	Quinn	Young, Tex.

NAYS—125.

Adair	Dershem	Hughes, Ga.	Roberts, Mass.
Adamson	Donohoe	Igoe	Rothermel
Aiken	Doremus	Jacoway	Rouse
Alexander	Doughton	Kent	Rucker
Allen	Dupré	Key, Ohio	Russell
Bailey	Eagan	Kirkpatrick	Saunders
Baltz	Edwards	Kitchin	Sherley
Bartlett	Evans	Lazaro	Slayden
Beakes	Fergusson	Lee, Ga.	Small
Beall, Tex.	Ferris	Lee, Pa.	Sparkman
Bell, Ga.	Fields	Leshner	Stedman
Blackmon	Finley	Lever	Stephens, Tex.
Booher	FitzHenry	Levy	Switzer
Borland	Flood, Va.	Lieb	Taggart
Bowdle	Floyd, Ark.	Logue	Talcott, N. Y.
Brockson	French	Metz	Taylor, Ala.
Brodbeck	Garner	Montague	Ten Eyck
Broussard	Garrett, Tenn.	Morgan, Okla.	Thacher
Brown, N. Y.	Gittins	Morrison	Thomas
Bulkeley	Goldfogle	Murray	Townsend
Burnett	Goulden	Nelson	Underhill
Butler	Graham, Pa.	Oldfield	Underwood
Byrnes, S. C.	Gudger	Padgett	Vinson
Caraway	Harris	Page, N. C.	Vollmer
Carlin	Harrison	Palmer	Watkins
Carter	Hay	Park	Weaver
Claypool	Hayes	Parker, N. J.	Whaley
Coady	Helvering	Patten, N. Y.	White
Connolly, Iowa	Hill	Pou	Williams
Crisp	Holland	Price	
Curry	Howard	Rainey	
Dent	Howell	Rayburn	

ANSWERED "PRESENT" 3.

Dies Sloan Webb

NOT VOTING—127.

Baker	Byrns, Tenn.	Collier	Estopinal
Barchfeld	Cady	Conry	Fairchild
Barnhart	Campbell	Copley	Faison
Bartholdt	Canfor	Crosser	Gallagher
Bathrick	Cantrill	Dale	Gallivan
Bell, Cal.	Carew	Danforth	Gard
Bruckner	Carr	Donovan	George
Brumbaugh	Cary	Dooling	Gerry
Bryan	Casey	Driscoll	Gill
Burgess	Clancy	Dunn	Glass
Burke, Pa.	Clark, Fla.	Elder	Good

Goodwin, Ark.	Lafferty	O'Brien	Shreve
Gorman	Langham	Oglesby	Sims
Green, Iowa	L'Engle	O'Hair	Sinnott
Greene, Vt.	Lewis, Md.	O'Shaunessy	Sisson
Griest	Lewis, Pa.	Patton, Pa.	Smith, Md.
Griffin	Lindquist	Peterson	Smith, N. Y.
Hamill	Linthicum	Phelan	Stanley
Hart	Lloyd	Porter	Stevens, N. H.
Hayden	Lobeck	Post	Summers
Hensley	Loft	Prouty	Talbot, Md.
Houston	McAndrews	Ragsdale	Taylor, N. Y.
Hoxworth	McClellan	Reed	Treadway
Hull	McGillicuddy	Reilly, Conn.	Tuttle
Humphreys, Miss.	McGuire, Okla.	Riordan	Vare
Johnson, S. C.	Mahan	Roberts, Nev.	Vaughan
Jones	Maher	Rupley	Walker
Keating	Moon	Sabath	Walsh
Keister	Morgan, La.	Scully	Wilson, Fla.
Kennedy, Conn.	Morin	Seldomridge	Wilson, N. Y.
Kindel	Mulkey	Sells	Woodruff
Korbly	Neely, W. Va.	Shackelford	

So the resolution was agreed to.

The Clerk announced the following additional pairs:
Until further notice:

Mr. TALBOTT of Maryland with Mr. BELL of California.

Mr. SIMS with Mr. SLOAN.

Mr. BARNHART with Mr. CALDER.

Mr. SHACKLEFORD with Mr. CAMPBELL.

Mr. COLLIER with Mr. GREEN of Iowa.

Mr. HUMPHREYS of Mississippi with Mr. GREENE of Vermont.

Mr. LINTHICUM with Mr. CARY.

Mr. LLOYD with Mr. PATTON of Pennsylvania.

Mr. LOBECK with Mr. PORTER.

Mr. MCGILICUDDY with Mr. DANFORTH.

The result of the vote was announced as above recorded.

On motion of Mr. CULLOP, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. WEBB. Mr. Speaker, in view of the instruction of the House, I ask that the Speaker appoint as conferees Messrs. MCGILICUDDY, THOMAS, and VOLSTEAD, all three of whom voted for the Cullop amendment.

The SPEAKER. The Chair announces the following conferees, which the Clerk will report.

The Clerk read as follows:

Mr. MCGILICUDDY, Mr. THOMAS, and Mr. VOLSTEAD.

THE AMERICAN FLAG.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD for the purpose of printing in the RECORD a speech made on Sunday by my colleague, Mr. MARTIN, on the subject of the American flag.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD by printing a speech made by his colleague, Mr. MARTIN, on the American flag. Is there objection?

There was no objection.

WAR-RISK INSURANCE BUREAU.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for five minutes. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, may I ask the gentleman from Pennsylvania on what subject?

Mr. MOORE. On the subject of the War-Risk Insurance Bureau.

Mr. UNDERWOOD. Mr. Speaker, I do not like to object to the gentleman's request, but I would not like to have the House get into a political discussion at this time.

Mr. MOORE. It is not a political controversy. I have some accurate information which the House ought to have, and I think I can state it in five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOORE. Mr. Speaker, I am obliged to the gentleman from Alabama [Mr. UNDERWOOD] for waiving his right to object, because what I have to say is timely and I think the House ought to be fully informed. A few mornings ago we were informed in the dispatches from Berlin, Germany, that the steamship *Evelyn*, flying the American flag, had gone down, sunk by a mine. This morning we are informed by similar dispatches from the same city that the steamship *Carib*, flying the American flag, went down in very much the same fashion. It ought to be known to the people of this country that both of these vessels were foreign built, each being constructed at Glasgow, Scotland. It ought to be known, too, that each of these vessels was wrecked upon the American coast, one 14 years after construction and the other 16 years after construction, and that in each instance they were able to obtain the right to use the American flag because they had been repaired on this

side of the water. The *Evelyn* was constructed in Glasgow in 1883. She was wrecked on the American coast in 1897. The *Carib* was built in Glasgow in 1882, and she was wrecked on the American coast in 1898. Each was able to obtain the right to sail under the American flag because each had been repaired in this country.

Yesterday I said about all I care to say on the legislation that has been passed with respect to foreign vessels wrecked on the American coast. I wish now to say that by virtue of the war-risk law passed by this Congress and signed by the President September 2, 1914, it was possible for exporters who desired to send cotton abroad to obtain the use of these two ships, both of which had been wrecked and thus obtained the invaluable privilege of the American flag, to go into the war zone on dangerous errands. I call attention to the very significant fact that neither of the vessels was of very great value except for the privilege of using the American flag. I call attention to the further fact that even with the American flag they could not obtain from private companies insurance sufficient to indemnify the cargoes they were to carry into what might be called contraband or belligerent territory. It was not until the Government of the United States stepped in and passed the war-risk law and guaranteed the hulls and the cargoes that these vessels were able to sail into those dangerous and hazardous zones.

The direct result of the act of September 2, 1914, therefore, has been that these two old foreign-built ships, wrecked upon the American coast and using the American flag, were insured by the people of the United States under the law, so that the loss upon the hulls will not be borne by the owners and the loss upon the cargoes will not be borne by the consignors or the consignees. Whatever loss there is, up to the value of the insurance, will be paid by the people of the United States.

The *Evelyn* was insured to the extent of \$100,000 upon her hull and her cargo was insured to the extent of \$301,000, a total of \$401,000, guaranteed by the people of the United States upon cotton going to the war zone. For that insurance the United States received a premium of \$13,030, about 3 per cent. That is to say, we staked \$401,000 of the people's money against \$13,030, which we received in the form of a premium.

Mr. ALEXANDER. Will the gentleman yield?

Mr. MOORE. I can not yield now.

Mr. ALEXANDER. Just for a question.

Mr. MOORE. I yield.

Mr. ALEXANDER. How much has the Government received in the way of premiums for war-risk insurance up to this time?

Mr. MOORE. I will give the figures in a moment. The *Carib* was insured on her hull for \$22,253—

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes additional.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania may have five minutes. Is there objection?

Mr. UNDERWOOD. I do not like to object—

Mr. MOORE. I shall not digress from a statement of the facts, if the gentleman from Alabama will permit.

The SPEAKER. The Chair hears no objection.

Mr. MOORE. The *Carib* was insured on her hull for \$22,253, on her cargo for \$235,850. The total amount of the people's money thus at risk on the *Carib* and her cargo was \$258,103. The premium paid was \$7,965.62. That is to say, for \$7,965.62 received on the *Carib* we staked \$258,103 of the people's money.

Now, before I reply to the gentleman from Missouri [Mr. ALEXANDER] I desire to say that the total premiums on those two ships was \$20,995, or approximately \$21,000, as against a loss of \$659,103, approximately \$660,000. That is to say, we stand to lose \$660,000 of the people's money for \$21,000 in premiums.

As to the question of the gentleman from Missouri, I will answer directly. My information from the War Risk Bureau this morning is that the total amount of premiums received on all business thus far done is \$1,502,302—more than a million and a half of dollars in round figures—and to be fair with the bureau and with the gentleman from Missouri, a very large proportion of that is protected, because a number of insured cargoes have arrived at their destination. But a million and a half dollars of money derived in premiums insuring owners against loss on cargoes and hulls of these old vessels, wrecked or otherwise, is only one side of the story. The risk we took to secure those premiums of \$1,500,000 was \$55,000,000, and that is what we stood to lose on that million and a half for which the gentleman claims credit.

Mr. BARTLETT. Can the gentleman give the figures as to what amount in premiums have been earned?

Mr. MOORE. A million and a half earned in premiums.

Mr. BORLAND. Mr. Speaker—

The SPEAKER. To whom does the gentleman yield, if to anyone?

Mr. MOORE. I yield to the gentleman from Georgia.

Mr. BARTLETT. Up to date we have earned in premiums \$640,848, and this is the first loss.

Mr. MOORE. Up to date we have lost \$659,000, and we stood to lose \$55,000,000—

Mr. BARTLETT. Oh, yes.

Mr. MOORE. Yesterday my colleague from Pennsylvania [Mr. BUTLER] made an eloquent appeal for somebody to stop this hazardous business into which we are plunged headlong. As a matter of fact, there is no telling what the volume of the risk will be. We stood to lose \$55,000,000, less what has been marked off on cargoes that have gone through. I understand policies have already expired to the amount of \$25,000,000, but we still stand to lose \$30,000,000, and on two ships we have actually lost \$659,000. The surety business is all right when the premiums are coming in, but we are just beginning to hear of the losses, and they seldom grow less.

Mr. BORLAND. Will the gentleman yield?

Mr. MOORE. I can not; I have not the time.

Mr. BORLAND. I wanted to ask the gentleman to put in another fact—

Mr. MOORE. Yesterday the gentleman from Pennsylvania [Mr. BUTLER] rose and said that somebody ought to stop this business; that somebody ought to stop these vessels carrying contraband and conditional contraband into the war zone, inviting complications. Yes; somebody ought to rise and say to the speculators who want to take these chances with ships and lives in the danger zones that the risk belongs to them and not to the people of the United States.

Mr. ALEXANDER. Will the gentleman yield?

Mr. MOORE. I can not. If anyone shall seek to apply the remedy for those losses and those perils, perhaps it may be found in the war-risk law. You provided in that law that the President shall have discretion to stop this business. He can exercise that discretion if he will. He can check this tremendous hazard against which the peace and the money of the people of this country is being staked. Section 9 of the war-risk bill provides:

That the President is authorized whenever, in his judgment, the necessity for further war insurance by the United States shall have ceased to exist, to suspend the operations of this act in so far as it authorizes insurance by the United States against loss or damage by risks of war—

And so forth.

I will insert the rest of it in the Record. The time has come for the President to act if he cares to do so. Two vessels have already gone down—

The SPEAKER. The time of the gentleman has again expired.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record. [Applause.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE. Mr. Speaker, in extension, I am hopeful the resolutions I offered yesterday to acquire detailed information from the Secretary of the Treasury as to the business of the Bureau of War Risk Insurance may be passed in order that we may know the nature of the cargoes that have been insured and the volume of risk which the country has assumed. The figures I have just presented show that our total risk up to date was \$55,000,000, reduced, as claimed by the bureau, to \$30,000,000 because a number of vessels with cargoes insured have successfully run the gantlet. That the losses in the bureau are only beginning with the destruction of the *Evelyn* and the *Carib* is patent to those who have any knowledge of the surety business. It is more than probable that we shall hear of war-risk claims for many years after the President has seen fit to discontinue the bureau or after it has died by limitation. We are told that all of the maritime nations have established war-risk bureaus. Many of them are actively engaged in the conflict, and none of them are so happily situated to avoid trouble as is the United States. This morning's papers contain a dispatch from Liverpool indicating that the war-risk losses of the British company are "very slight." They may be slight considering the necessity that has surrounded a country engaged in war. Even at that, the six months' losses of the British War Risk Association appear to mount up in American money to \$26,000,000. I append a dispatch bearing upon this subject:

BRITISH SHIPPING LOSSES SMALL, DECLARES ISMAY—CARGOES DESTROYED ONLY SEVEN-TENTHS OF 1 PER CENT OF TOTAL VALUE.

LIVERPOOL, February 23.

J. Bruce Ismay, presiding to-day at a meeting of the Liverpool and London War Risks Association, said that the shipping entered in this

association was valued at £80,000,000 (\$400,000,000); that the vessels identified with the association which had been lost during six months of the war were valued at only £850,000 and the cargoes at £4,500,000. The cargo losses represented only 14 shillings per cent (seven-tenths of 1 per cent) of the total value of the cargoes at risk.

This, he said, constituted a magnificent tribute to the efficacy of the protection afforded by the British Navy, and showed that the submarine perils had been greatly exaggerated.

While I am privileged to do so, Mr. Speaker, I wish to speak briefly as to the remarks made by my colleague from Missouri [Mr. BORLAND] yesterday and my Mississippi colleague [Mr. HARRISON] this afternoon. These gentlemen refer to the necessity of getting cotton abroad, and the gentleman from Missouri is curious to know exactly what kind of a speech the gentleman would make "if all the cotton of the United States was still held in storage in this country and had no foreign outlet at all." I am sorry the gentleman from Missouri has not listened to what I have previously said upon this side of the cotton question. I have contended that there was a market for cotton in the United States under a protective tariff, but that that market has been very seriously affected in this country because of low-tariff conditions. The intense desire of our Democratic friends to send their cotton abroad rather than to sell it at home is partly responsible for the bank balances in Missouri to which the gentleman refers, as it is also responsible for the failure of industrial establishments in the eastern part of the country to buy up as much raw cotton as they would like to use. The gentleman from Missouri and the gentleman from Mississippi should take up the report of the Director of the Census for the month of January to better understand this situation. In January, 1914, when there was no European war and no special complaint about the price of cotton, our cotton exports amounted to 1,052,272 bales. In January, 1915, when the war was on and complaints were heard about the price of cotton, our cotton exports were 1,372,175 bales, or more than 300,000 bales more in war times than in times of peace. It does not appear, therefore, that either the foreigner who uses raw cotton or the planter who sells it had any special cause to complain about the quantity bought or sold in January, 1915. Let us concede that much of this cotton would not have been exported if the Government had not gone into the war-risk insurance business, but while this business has worked well for raw cotton and for foreign manufacturers, who are shipping back tremendous quantities of fabrics into the United States, I do not want my friends to overlook the fact that the same report of the Director of the Census shows that there were 500,000 less cotton spindles active in the United States in January, 1915, than there were in January, 1914. In other words, the increase in cotton exports was at the expense of American industries, and accounts in a large degree for the unemployment that now prevails in the United States. Witness the customhouse statement from New York this morning that German exports to the United States, meaning exports of goods that compete with United States manufactures, have been substantially as great in January, 1915, as they were in January, 1914. If our friends upon the other side can see no danger in purchasing antiquated foreign-built vessels, giving them an American register, insuring them with the people's money, and sending them to war zones, they should at least recognize the injustice done the industries of the United States by the persistence with which our foreign trade in cotton is encouraged to break down the textile industries of the United States.

Mr. ALEXANDER. Mr. Speaker, I ask leave to extend my remarks in the Record on the same subject.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks leave to extend his remarks in the Record on the same question. Is there objection? [After a pause.] The Chair hears none.

Mr. CRISP. Mr. Speaker, I ask leave to revise and extend my remarks in the Record on the subject of the Georgia judge-ship bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 20347) entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. FLETCHER, and Mr. DU PONT as the conferees on the part of the Senate.

PRACTICE OF PHARMACY AND SALE OF POISON IN CHINA.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6631) to regu-

late the practice of pharmacy and sale of poison in the consular districts of the United States in China.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 6631) to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think the bill ought to be read.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That on and after the 1st day of January, 1915, it shall be unlawful in the consular districts of the United States in China for any person whose permanent allegiance is due to the United States not licensed as a pharmacist within the meaning of this act to conduct or manage any pharmacy, drug, or chemical store, apothecary shop, or other place of business for the retailing, compounding, or dispensing of any drugs, chemicals, or poisons, or for the compounding of physicians' prescriptions, or to keep exposed for sale at retail, any drugs, chemicals, or poisons, except as hereinafter provided, or, except as hereinafter provided, for any person whose permanent allegiance is due to the United States not licensed as a pharmacist within the meaning of this act to compound, dispense, or sell at retail any drug, chemical, poison, or pharmaceutical preparation upon the prescription of a physician, or otherwise, or to compound physicians' prescriptions, except as an aid to and under the proper supervision of a pharmacist licensed under this act. And it shall be unlawful for any person, firm, or corporation owing permanent allegiance to the United States owning partly or wholly or managing a pharmacy, drug store, or other place of business to cause or permit any person other than a licensed pharmacist to compound, dispense, or sell at retail any drug, medicine, or poison except as an aid to and under the proper supervision of a licensed pharmacist: *Provided*, That where it is necessary for a person, firm, or corporation whose permanent allegiance is due to the United States and owning partly or wholly or managing a pharmacy, drug store, or other place of business to employ Chinese subjects to compound, dispense, or sell at retail any drug, medicine, or poison, such person, firm, corporation, owner, part owner, or manager of a pharmacy, drug store, or other place of business may employ such Chinese subjects when their character, ability, and age of 21 years or over have been certified to by at least two recognized and reputable practitioners of medicine, or two pharmacists licensed under this act whose permanent allegiance is due to the United States: *Provided further*, That nothing in this section shall be construed to interfere with any recognized and reputable practitioner of medicine, dentistry, or veterinary surgery in the compounding of his own prescriptions or to prevent him from supplying to his patients such medicines as he may deem proper, except as hereinafter provided; nor with the exclusively wholesale business of any person, firm, or corporation whose permanent allegiance is due to the United States dealing and licensed as pharmacists, or having in their employ at least one person who is so licensed, except as hereinafter provided; nor with the sale by persons, firms, or corporations whose permanent allegiance is due to the United States other than pharmacists of poisonous substances sold exclusively for use in the arts, or as insecticides, when such substances are sold in unbroken packages bearing labels having plainly printed upon them the name of the contents, the word "poison," when practicable the name of at least one suitable antidote, and the name and address of the vender.

SEC. 2. That every person whose permanent allegiance is due to the United States now practicing as a pharmacist or desiring to practice as a pharmacist in the consular districts in China shall file with the consul an application, duly verified under oath, setting forth the name and age of the applicant, the place or places at which he pursued and the time spent in the study of pharmacy, the experience which the applicant has had in compounding physicians' prescriptions under the direction of a licensed pharmacist, and the name and location of the school or college of pharmacy, if any, of which he is a graduate, and shall submit evidence sufficient to show to the satisfaction of said consul that he is of good moral character and not addicted to the use of alcoholic liquors or narcotic drugs so as to render him unfit to practice pharmacy: *Provided*, That applicants shall be not less than 21 years of age and shall have had at least four years' experience in the practice of pharmacy or shall have served three years under the instruction of a regularly licensed pharmacist, and any applicant who has been graduated from a school or college of pharmacy recognized by the proper board of his State, Territory, District of Columbia, or other possession of the United States as in good standing shall be entitled to practice upon presentation of his diploma.

SEC. 3. That if the applicant for license as a pharmacist has complied with the requirements of the preceding section, the consul shall issue to him a license which shall entitle him to practice pharmacy in the consular districts of the United States in China, subject to the provisions of this act.

SEC. 4. That the license of any person whose permanent allegiance is due to the United States to practice pharmacy in the consular districts of the United States in China may be revoked by the consul if such person be found to have obtained such license by fraud, or be addicted to the use of any narcotic or stimulant, or to be suffering from physical or mental disease, in such manner and to such extent as to render it expedient that in the interests of the public his license be canceled; or to be of an immoral character; or if such person be convicted in any court of competent jurisdiction of any offense involving moral turpitude. It shall be the duty of the consul to investigate any case in which it is discovered by him or made to appear to his satisfaction that any license issued under the provisions of this act is revocable and shall, after full hearing, if in his judgment the facts warrant it, revoke such license.

SEC. 5. That every license to practice pharmacy shall be conspicuously displayed by the person to whom the same has been issued in the pharmacy, drug store, or place of business, if any, of which the said person is the owner or part owner or manager.

SEC. 6. That it shall be unlawful for any person, firm, or corporation whose permanent allegiance is due to the United States, either personally or by servant or agent or as the servant or agent of any other person or of any firm or corporation, to sell, furnish, or give away any cocaine, salts of cocaine, or preparation containing cocaine or salts of cocaine, or morphine or preparation containing morphine or salts of morphine, or any opium or preparation containing opium, or

any chloral hydrate or preparation containing chloral hydrate, except upon the original written order or prescription of a recognized and reputable practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or, if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered and shall be signed by the person giving the order or prescription. Such order or prescription shall be, for a period of three years, retained on file by the person, firm, or corporation who compounds or dispenses the article ordered or prescribed, and it shall not be compounded or dispensed after the first time except upon the written order of the original prescriber: *Provided*, That the above provisions shall not apply to preparations containing not more than 2 grains of opium, or not more than one-quarter grain of morphine, or not more than one-quarter grain of cocaine, or not more than 2 grains of chloral hydrate in the fluid ounce, or, if a solid preparation, in 1 avoirdupois ounce. The above provisions shall not apply to preparations which are accompanied by specific directions for use and caution against habitual use, nor to liniments or ointments sold in good faith as such when plainly labeled "for external use only," nor to powder of ipecac and opium, commonly known as Dover's powder, when sold in quantities not exceeding 20 grains: *Provided further*, That the provisions of this section shall not be construed to permit the selling, furnishing, giving away, or prescribing for the use of any habitual users of the same any cocaine, salts of cocaine, or preparation containing cocaine or salts of cocaine, or morphine or salts of morphine, or preparations containing morphine or salts of morphine, or any opium or preparation containing opium, or any chloral hydrate or preparation containing chloral hydrate. But this proviso shall not be construed to prevent any recognized or reputable practitioner of medicine whose permanent allegiance is due to the United States from furnishing in good faith for the use of any habitual user of narcotic drugs who is under his professional care such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this section. But the provisions of this section shall not apply to sales at wholesale between jobbers, manufacturers, and retail druggists, hospitals, and scientific or public institutions.

SEC. 7. That it shall be unlawful for any person, firm, or corporation whose permanent allegiance is due to the United States to sell or deliver to any other person any of the following-described substances or any poisonous compound, combination, or preparation thereof, to wit: The compounds of and salts of antimony, arsenic, barium, chromium, copper, gold, lead, mercury, silver, and zinc, the caustic hydrates of sodium and potassium, solution or water of ammonia, methyl alcohol, paregoric, the concentrated mineral acids, oxalic and hydrocyanic acids and their salts, yellow phosphorus, Paris green, carbolic acid, the essential oils of almonds, pennyroyal, tansy, rue, and savin; croton oil, creosote, chloroform, cantharides, or aconite, belladonna, bitter almonds, colchicum, cotton root, cocculus indicus, conium, cannabis indica, digitalis, ergot, hyoscyamus, ignatia, lobelia, nux vomica, physostigma, physalocin, stramonium, stramonium, veratrum viride, or any of the poisonous alkaloids or alkaloidal salts derived from the foregoing, or any other poisonous alkaloids or their salts, or any other virulent poison, except in the manner following, and, moreover, if the applicant be less than 18 years of age, except upon the written order of a person known or believed to be an adult.

It shall first be learned, by due inquiry, that the person to whom delivery is about to be made is aware of the poisonous character of the substance and that it is desired for a lawful purpose, and the box, bottle, or other package shall be plainly labeled with the name of the substance, the word "Poison," the name of at least one suitable antidote, when practicable, and the name and address of the person, firm, or corporation dispensing the substance. And before delivery be made of any of the foregoing substances, excepting solution or water of ammonia and sulphate of copper, there shall be recorded in a book kept for that purpose the name of the article, the quantity delivered, the purpose for which it is to be used, the date of delivery, the name and address of the person for whom it is procured, and the name of the individual personally dispensing the same; and said book shall be preserved by the owner thereof for at least three years after the date of the last entry therein. The foregoing provisions shall not apply to articles dispensed upon the order of persons believed by the dispenser to be recognized and reputable practitioners of medicine, dentistry, or veterinary surgery: *Provided*, That when a physician writes upon his prescription a request that it be marked or labeled "Poison" the pharmacist shall, in the case of liquids, place the same in a colored glass, roughened bottle, of the kind commonly known in trade as a "poison bottle," and, in the case of dry substances, he shall place a poison label upon the container. The record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale to licensed pharmacists, but the box, bottle, or other package containing such substance, when sold at wholesale, shall be properly labeled with the name of the substance, the word "Poison," and the name and address of the manufacturer or wholesaler: *Provided further*, That it shall not be necessary, in sales either at wholesale or at retail, to place a poison label upon, nor to record the delivery of, the sulphide of antimony, or the oxide or carbonate of zinc, or of colors ground in oil and intended for use as paints, or calomel; nor in the case of preparations containing any of the substances named in this section, when a single box, bottle, or other package, or when the bulk of one-half fluid ounce or the weight of one-half avoirdupois ounce does not contain more than an adult medicinal dose of such substance; nor, in the case of liniments or ointments sold in good faith as such, when plainly labeled "For external use only"; nor, in the case of preparations put up and sold in the form of pills, tablets, or lozenges, containing any of the substances enumerated in this section and intended for internal use, when the dose recommended does not contain more than one-fourth of an adult medicinal dose of such substance.

For the purpose of this and of every other section of this act no box, bottle, or other package shall be regarded as having been labeled "Poison" unless the word "Poison" appears conspicuously thereon, printed in plain, uncondensed gothic letters in red ink.

SEC. 8. That no person, firm, or corporation whose permanent allegiance is due to the United States seeking to procure in the consular districts of the United States in China any substance the sale of which is regulated by the provisions of this act shall make any fraudulent representations so as to evade or defeat the restrictions herein imposed.

SEC. 9. That every person, firm, or corporation whose permanent allegiance is due to the United States owning, partly owning, or managing a drug store or pharmacy shall keep in his place of business a suitable book or file, in which shall be preserved for a period of not less

than three years the original of every prescription compounded or dispensed at such store or pharmacy, or a copy of such prescription, except when the preservation of the original is required by section 6 of this act. Upon request the owner, part owner, or manager of such store shall furnish to the prescribing physician, or to the person for whom such prescription was compounded or dispensed, a true and correct copy thereof. Any prescription required by section 6 of this act, and any prescription for, or register of sales of, substances mentioned in section 6 of this act shall at all times be open to inspection by duly authorized consular officers in the consular districts of the United States in China. No person, firm, or corporation whose permanent allegiance is due to the United States shall, in a consular district, compound or dispense any drug or drugs or deliver the same to any other person without marking on the container thereof the name of the drug or drugs contained therein and directions for using the same.

Sec. 10. That it shall be unlawful for any person whose permanent allegiance is due to the United States, not legally licensed as a pharmacist, to take, use, or exhibit the title of pharmacist, or licensed or registered pharmacist, or the title of druggist or apothecary, or any other title or description of like import.

Sec. 11. That any person, firm, or corporation, whose permanent allegiance is due to the United States, violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50 and not more than \$100 or by imprisonment for not less than 1 month and not more than 60 days, or by both such fine and imprisonment, in the discretion of the court, and if the offense be continuing in its character each week or part of a week during which it continues shall constitute a separate and distinct offense. And it shall be the duty of the consular and judicial officers of the United States in China to enforce the provisions of this act.

Sec. 12. That the word "Consul" as used in this act shall mean the consular officer in charge of the district concerned.

Sec. 13. That nothing in this act shall be construed as modifying or revoking any of the provisions of the act of Congress of February 23, 1887, entitled "An act to provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States the 5th day of October, 1881."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I assume that this is the first instance where our Government has sought to legislate extraterritorially over the affairs of American citizens doing business when domiciled in a foreign country. If I am mistaken in that, I ask the chairman of the Committee on Foreign Affairs to correct me.

Mr. FLOOD of Virginia. The Senate passed a bill very similar to this one in 1910, but it failed in the House.

Mr. STAFFORD. My question is whether this is not the first instance where our Government has attempted to legislate extraterritorially over our citizens doing business in a foreign country?

Mr. FLOOD of Virginia. Yes; it is the first one that I recall.

Mr. STAFFORD. I would like to inquire further whether the other Governments who were parties to the convention convened to suppress the opium trade in China passed similar bills applicable to their subjects doing business in China?

Mr. FLOOD of Virginia. This whole matter was entered into upon the initiative of this Government, and the purpose of the other Governments is to follow the course of this Government.

Mr. STAFFORD. There has been a convention called at the instance of this Government to which the leading European nations were invited, in which a common course was agreed upon for the suppression of the opium trade in China.

Mr. FLOOD of Virginia. Exactly.

Mr. STAFFORD. And I am inquiring whether these other foreign Governments have taken any action in the fulfillment of that convention?

Mr. FLOOD of Virginia. I undertook to answer the gentleman's question by saying that this Government was supposed to act first. This whole proceeding was upon the initiative of this Government. The first opium commission, composed of representatives of this Government and Austria, China, France, Germany, Great Britain, Italy, Japan, Netherlands, Persia, Portugal, Russia, and Siam, was formed upon the initiative of this Government and it made recommendations as to the kind of law that should be enacted by the different nations for the control of their nationals in the free ports of China. That measure passed the Senate in 1910 and failed in the House. Then there was an international conference at The Hague of these same nations in reference to this matter, and it was there agreed that the Chinese Government was to formulate a law that would be satisfactory to them and submit it to these Governments. That law was gotten up by China and by this country, and is based largely upon the antidrug law of the District of Columbia, with certain changes which they thought were proper to make. And this Government is to enact it first, and then the other Governments are to follow.

Mr. STAFFORD. I notice that this is a penal statute.

Mr. FLOOD of Virginia. Oh, yes.

Mr. STAFFORD. The very opening sentence provides for it to take effect on and after January 1, 1915. I direct inquiry to

the gentleman whether that should not be changed in view of the fact that unquestionably American pharmacists doing business in these Chinese ports over which there are treaty obligations between China and the United States may not have conformed to the provisions of this bill?

Mr. FLOOD of Virginia. I think it ought to be changed to the 1st of January, 1916.

Mr. STAFFORD. Can the gentleman inform us whether there are any other countries that have adopted a like bill to this under consideration?

Mr. FLOOD of Virginia. I think not, up to this time. I think they will follow very rapidly after we have adopted it.

Mr. STAFFORD. We passed here a year ago last June the so-called Harrison Act, regulating the sale of habit-forming drugs. It has recently gone into effect, or will go into effect on March 1. I wish to inquire of the gentleman whether the provisions of the Harrison Act are virtually embodied in the bill under consideration?

Mr. FLOOD of Virginia. I am not sufficiently familiar with the Harrison Act to answer that question with any degree of accuracy. My understanding has been, I will say to the gentleman, that this bill is framed upon the District of Columbia law on this subject.

Mr. STAFFORD. The report shows it was framed with that as a model, and by a certain Mr. Hamilton Wright. Can the gentleman inform us who Mr. Hamilton Wright is?

Mr. FLOOD of Virginia. He is the gentleman who has had charge of the international aspect of the opium work on behalf of this Government.

Mr. STAFFORD. Then it is understood the gentleman intends to offer an amendment substituting "16" for "15"?

Mr. FLOOD of Virginia. I will, with pleasure.

Mr. KAHN. Mr. Speaker, will the gentleman yield for a question?

Mr. FLOOD of Virginia. I will.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. I yield to the gentleman from California.

Mr. KAHN. I understand the Government of China has already taken steps to suppress the opium traffic?

Mr. FLOOD of Virginia. Yes. In 1906 it took very vigorous steps to suppress it, and was thwarted by the Americans, whom they could not control because they did not have jurisdiction over them.

Mr. KAHN. I would like to insert in the Record statements uttered by the great Chinese statesman, Li Hung Chang, on the opium traffic, and I ask, Mr. Speaker, that I have unanimous consent to extend my remarks in the Record on that matter.

The SPEAKER. On what?

Mr. KAHN. To insert in the Record some statements of Li Hung Chang on the opium traffic.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the Record and insert some statements of Li Hung Chang on the opium traffic. Is there objection?

There was no objection.

Mr. KAHN. The statement is as follows:

In the autumn of 1906 the Chinese Government determined to bring to an end the practice of opium smoking in China. In support of China's effort the United States immediately proposed to Austria-Hungary, China, France, Germany, Great Britain, Italy, Japan, Netherlands, Persia, Portugal, Russia, and Siam that an international commission should be assembled to study and recommend means by which the Indo-Chinese opium traffic and the collateral traffic to the Philippine Islands and other eastern territories might be brought to an end. That commission assembled at Shanghai in February, 1909, and in the course of its deliberations on the opium problem it was demonstrated that in the three preceding years the Chinese Empire had been flooded with so-called opium remedies largely manufactured by foreigners resident in the treaty ports of China, and that these so-called anti-opium remedies were composed largely of opium and morphine. It therefore appeared that China's heroic effort to suppress the habit of opium smoking would be frustrated because the habit of swallowing opium was about to take the place of the habit of opium smoking.

The International Opium Commission promptly recognized this fact when demonstrated by the Chinese commissioners, and a means to prevent the replacement of the old habit of opium smoking by opium swallowing and the responsibility of foreigners in the treaty ports of China for the new habit had to be thought out.

After a thorough discussion between the American and Chinese commissioners it was decided that the commission as a whole should recommend to their Governments that they apply their national pharmacy laws to their subjects in the consular districts, settlements, and concessions in China, the object being to prevent foreigners in China manufacturing wholesale and placing on the market so-called antiopium remedies which contain nothing but opium and morphine. Therefore the commission as a whole adopted the following resolution, which was introduced by the American delegation:

RESOLUTION 9—INTERNATIONAL OPIUM COMMISSION.

"Be it resolved, That the International Opium Commission recommends that each delegation move its Government to apply its pharmacy

laws to its subjects in the consular districts, concessions, and settlements in China."

As the American commissioners, after consultation with the Chinese commissioners, were responsible for this resolution, it was incumbent upon the American Government to be the first to apply any national pharmacy act on the statute books to its subjects resident in its consular districts in China. The only national pharmacy act on the statute books is Public No. 148, an act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes.

This act was therefore taken as a model of the act which the Chinese Government expected that the American Government would apply to Americans resident in China under those treaty stipulations which are briefed in another memorandum. The modifications of Public No. 148, which accompanies this memorandum, was passed by the Senate on June 25, 1910, but failed of action in the House, and the matter has rested until the present moment.

Following upon the unanimous action of the International Opium Commission in condemning the evils associated with the opium traffic, this Government proposed to the other interested Governments that an international conference, composed of delegates with full powers, should meet at The Hague to give the force of law and international agreement to the resolutions of the International Opium Commission. That conference assembled at The Hague on the 1st of last December and, after signing a convention, adjourned on the 23d of the following January. Amongst the most important articles signed by the delegates on behalf of their Governments were those which confirmed to China the abolition of the Indo-Chinese opium traffic. (See Ch. 4, International Opium Convention, p. 34, S. Doc. No. 733, 62d Cong., 2d sess.)

Article 16 of chapter 4 of the International Opium Convention is the pertinent one, so far as the proposed legislation is concerned. That article is as follows:

ARTICLE 16, INTERNATIONAL OPIUM CONVENTION.

"The Chinese Government shall promulgate pharmacy laws for its subjects, regulating the sale and distribution of morphine, cocaine, and their respective salts, and of the substances indicated in article 14 of the present convention, and shall communicate these laws to the Governments having treaties with China through the intermediary of their diplomatic representatives at Peking. The contracting powers having treaties with China shall examine these laws, and, if they find them acceptable, shall take the necessary measures to the end that they be applied to their nationals residing in China."

Thus it will be seen that the powers having treaty relations with China, amongst them the United States, have entered into a solemn pledge with the Chinese Government to apply such pharmacy laws to their nationals residing in China as will regulate the sale and distribution of opium, morphine, and cocaine, the object being to prevent the nationals of the treaty powers flooding China with remedies containing opium which are more baneful in their effects than the evils of opium smoking, which the Chinese are successfully suppressing.

This pledge on the part of the United States can be redeemed by the passage and approval of the accompanying bill.

In regard to the proposed bill, it can be stated that as a pharmacy act it is as satisfactory as Public No. 148, on which it is modeled, which has been in force in the District of Columbia for several years, and which has proved to be as efficient and workable as the pharmacy acts of any of the States of the Union.

As to the law features of the proposed bill as they affect Americans in China, it may be said to be without fault. It represents the combined efforts of Mr. Hamilton Wright, who has been in charge of the international aspects of the opium work on behalf of the American Government, of the members of the Far Eastern Division, and of the solicitors of the Department of State. Since its drafting it has been submitted to Judge Thayer, of the United States court in China, and to several of the American consuls general in that country. They have all commended it from the point of view of principle, and regard it as practicable and well within treaty and statutory law under which Americans reside in China.

It should be borne in mind that the Chinese Government has by resolution in the International Opium Commission and by treaty stipulation in the International Opium Convention requested this Government to pass this act, and that all Chinese conversant with the question will welcome the present act, if passed and approved, as a model act on which a Chinese national pharmacy act may be based.

The bases for American jurisdiction over Americans resident in China are founded—

1. On the right of citizens of the United States to frequent the open ports of China.
2. On the right of the American Government to superintend and regulate the concerns of citizens of the United States doing business at the open ports of China, together with the right of the United States to appoint consuls or other officers at the same ports.
3. The judicial authority of the United States over citizens who reside at the open ports of China.

First. By article 3 of the treaty of Wang Hea between United States and China, 1844, citizens of the United States were permitted to frequent the five ports of Quanchow, Amoy, Fuchow, Ningpo, and Shanghai, and to reside with their families and trade there; to proceed at pleasure with their vessels and merchandise to and from any foreign port and either of the said five ports, and from either of said five ports to any other of them. (See p. 474, *Treaties Between China and Foreign States*, vol. 1.)

The provisions of article 3 of the treaty of Wang Hea were reaffirmed and broadened by article 14 of the treaty of Tientsin between the United States and China, 1858, and there was added to the five ports mentioned in article 3 of the treaty of 1844 Swatow, Canton, and Taiwan in the island of Formosa. (See p. 315, *ibid.*)

Second. By article 4 of the treaty of Wang Hea it is provided that for the superintendence and regulation of the concerns of citizens of the United States doing business in the five ports mentioned in article 3 of that treaty the Government of the United States may appoint consuls or other officers at the time, who shall be duly recognized as such by the officers of the Chinese Government. (See p. 474, *ibid.*)

Article 10 of the treaty of Tientsin of 1858 reaffirms this right of the United States to appoint consuls at all of the open ports of China.

Third. By article 21 of the treaty of Wang Hea, 1844, the judicial authority of the United States over its citizens who are in residence at the open ports of China was reaffirmed, it being provided by article 21 that citizens of the United States who may commit any crime in China shall be subject to be tried and punished only by the consul or other public functionary of the United States authorized according to the laws of the United States, while subjects of China who may be guilty of any criminal act toward citizens of the United States were to be arrested and punished by the Chinese authorities and according

to the laws of China. (See p. 481, *ibid.*) The provision of this article was amplified by article 25 of the same treaty, which provides that all questions in regard to rights, whether of property or person, arising between citizens of the United States and China shall be subject to the jurisdiction of and regulated by the authorities of their own Government, and all controversies occurring in China between citizens of the United States and the subjects of any other Government shall be regulated by the treaties existing between the United States and such Governments, respectively, without interference on the part of China. (See p. 483, *ibid.*)

Article 11 of the treaty of Tientsin, 1858, reaffirmed and amplified article 21 of the treaty of Wang Hea. (See p. 513, *ibid.*)

Since these treaties were negotiated the Congress has passed several acts relating to the rights of American citizens in China, and to consular and to judicial jurisdiction over them. The earliest act of Congress which applies was that of August 11, 1848. (9 Stat. L., 276.)

In reporting the bill the Senate Judiciary Committee stated that the measure was considered necessary to the execution of the treaty of 1844 with China. The next legislation was that of June 22, 1860. (12 Stat. L., 72.) It was occasioned partly by the newly made treaty with China, commonly known as the Tientsin treaty of 1858. It extensively amplified and improved the earliest legislation, and, together with the act of July 1, 1870 (16 Stat. L., 183), relating to appeals in certain cases, formed the basis of the law as embodied in the Revised Statutes, sections 4083, 4130. (See p. 787, R. S. U. S., 2d ed., 1878.)

It is repeatedly declared in these statutes that they are intended to carry into effect the treaties which have granted extraterritorial jurisdiction to the United States in China, as well as other oriental countries. The jurisdiction as provided for in China is described with some fullness. The second leading feature of these statutes is that they set forth what law is to be applied in consular courts. (Secs. 4086, 4117-4120, 4126.) The jurisdiction in both criminal and civil matters is to be exercised and enforced in conformity with the laws of the United States, which are by these statutes, and so far as necessary and suitable under the treaties, extended over all citizens of the United States in China, and over all others who may have the right of American protection. If the laws of the United States, the statutes continue, are not adapted to the object of the treaties, or are deficient in the provisions necessary to furnish suitable remedies, the common law and the law of equity and admiralty shall extend in like manner over citizens and other protected persons in those countries. And if neither the common law nor the law of equity or admiralty nor the statutes of the United States furnish appropriate and sufficient remedies, the American minister in China shall issue regulations which shall supply such defects and deficiencies and shall have the force of law. (See pp. 41-42, "American Consular Jurisdiction in the Orient," Hinkley.)

These statutes have been somewhat modified, so far as China is concerned, by the act of June 30, 1906, creating a United States Court for China. That act impliedly removes all jurisdiction and the power of making regulations from the minister to China. It confers this jurisdiction and power upon the judge of the United States Court for China. A copy of the act of June 30, 1906, is attached.

The proposed act to regulate the practice of pharmacy and sale of poisons in the consular districts of the United States in China does not in any way transcend the consular and judicial authority of the United States in China, as provided for in the above-mentioned treaties and statutes. It should be stated in regard to section 13 of the proposed act which protects the act of Congress of February 23, 1887, providing for the execution of the provisions of article 2 of the American-Chinese treaty of 1880, that this is necessary to prevent American citizens in the general act of practicing pharmacy from engaging in the opium trade in Chinese waters, as agreed to by the United States and China by article 2 of the treaty of 1880.

It may be stated as a general proposition that the Chinese Government has always welcomed the worthy exercise of the judicial functions of the United States which are reserved to this Government under the extraterritoriality provisions of our treaties, and the exercise of such power has always made for better relations between the two countries. The accompanying proposed pharmacy act, which is to apply to Americans resident in China, will serve as a sure indication of the solicitude of this Government to do its bounden duty toward China.

The Government of the United States "can, equally with any of the former or present Governments of Europe, make treaties providing for the exercise of judicial authority in other countries by its officers appointed to reside therein." (In re Ross, 1891, 140 U. S., 453, 463. See Moore, vol. 5, p. 161, third paragraph.)

The State Department favors this bill, as is shown by this letter from Secretary Bryan:

DEPARTMENT OF STATE,
Washington, December 15, 1914.

HON. HENRY D. FLOOD,
Chairman Committee on Foreign Affairs,
House of Representatives.

SIR: There is now pending before the House Committee on Foreign Affairs the bill (S. 6631) to regulate the practice of pharmacy and the sale of poison in China by Americans residing in the consular districts of the United States in that country. The Department of State is greatly interested in the passage of this bill.

The International Opium Commission which met at Shanghai in 1909 recommended that each Government represented at the meeting should enact certain proposed legislation upon this subject. The International Opium Conference at The Hague subsequently adopted a convention, to which the United States is signatory, pledging the signatory powers to the enactment, among other laws, of just such legislation as is proposed in the bill mentioned.

Unless this bill or one of similar import be enacted into law, it will be impossible for the American consuls in China to regulate the purchase, sale, and distribution in China of opium, morphine, and other poisonous drugs by Americans or other persons owing allegiance to the United States in that country.

The Department of State trusts, therefore, that your committee will favorably report this bill, and that it will be passed at an early date.

The report upon the bill by the Senate Committee on Foreign Relations gives further information as to the character and need of the legislation asked.

I have the honor to be, sir, your obedient servant.

W. J. BRYAN.

Mr. FLOOD of Virginia. Mr. Speaker, I ask that I may have unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial from this morning's Washington Post.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to extend his remarks in the RECORD by printing therein an editorial from to-day's Washington Post. Is there objection?

Mr. BORLAND. Reserving the right to object, Mr. Speaker, what is the editorial?

Mr. MONDELL. The caption of the editorial is "Presidential dictation."

Mr. BORLAND. I think I shall have to object.

Mr. STEPHENS of Texas. I object, Mr. Speaker.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] and the gentleman from Missouri [Mr. BORLAND] both object.

Mr. POWERS rose.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. POWERS. I ask unanimous consent to extend my remarks in the RECORD by printing an article prepared by Marcus Borchardt, L. L. M., on the need of a United States official gazette. It is a well-prepared article and gives a great deal of valuable information.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. Reserving the right to object, can not the object of the gentleman be obtained by printing it as a document?

Mr. ADAIR. I object, Mr. Speaker.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] objects.

PRACTICE OF PHARMACY AND SALE OF POISON IN CHINA.

Mr. STAFFORD. I understood the gentleman from Virginia was going to offer an amendment to change the date from 1915 to 1916.

Mr. FLOOD of Virginia. Yes. I move to amend the bill, Mr. Speaker, line 4, page 1, by striking out the word "fifteen" and inserting in lieu thereof the word "sixteen."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amend, page 1, line 4, by striking out the word "fifteen" and inserting in lieu thereof the word "sixteen."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

CALENDAR FOR UNANIMOUS CONSENT.

Mr. UNDERWOOD. Mr. Speaker, probably on Monday next the consideration of conference reports will interfere with the calling of the Unanimous Consent Calendar, and in order that there may be another opportunity to pass bills that may be passed by unanimous consent I ask that we now proceed to the consideration of the Unanimous Consent Calendar of the House.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the House now proceed to the consideration of bills on the Unanimous Consent Calendar. Is there objection?

Mr. MANN. Mr. Speaker, I do not desire to object, but in view of what the gentleman from Alabama [Mr. UNDERWOOD] said about next Monday, I would like to remind him of the fact that to-morrow is one of the last six days of the session and suspensions and bills on the Unanimous Consent Calendar are both in order every day from now on, although probably we will not get at them very often.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first bill on the Calendar for Unanimous Consent.

RESERVATION OF SCHOOL LANDS IN ALASKA.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 20851) to reserve lands to the Territory of Alaska for educational uses, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to suggest, although I suppose it is an unnecessary

suggestion to make, that if the bill is to be read and consent is to be granted it would better be done on the Senate bill than on the House bill.

Mr. LENROOT. That is my intention.

Mr. STAFFORD. Mr. Speaker, this bill has been on the calendar for a long time. I believe the gentleman from Minnesota [Mr. STEVENS] has a companion bill.

Mr. LENROOT. This is an Alaskan bill.

Mr. STAFFORD. Oh, I beg the gentleman's pardon.

Mr. FERRIS. Mr. Speaker, if unanimous consent is to be given, as I understand it is, I will ask unanimous consent to discharge the House Committee on the Public Lands from the consideration of the Senate bill 7515, it being a bill identical in form and verbiage which passed the Senate and was inadvertently referred to the House committee.

Mr. MANN. We want to be sure now that somebody has compared the two bills and has seen to it that the Senate bill is the same as the House bill.

Mr. FERRIS. I am so informed by the gentleman from Alaska [Mr. WICKERSHAM].

Mr. MANN. It can be read, and the fact can easily be ascertained by comparison.

Mr. FERRIS. I have made no comparison of the bills myself. I ask unanimous consent, Mr. Speaker, that the House Committee on the Public Lands be discharged from the further consideration of Senate bill 7515, and ask that the Senate engrossed bill be read so that we can compare it with the House bill.

The SPEAKER pro tempore (Mr. UNDERWOOD). The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that in place of House bill 20851, Senate bill 7515 be read for the purpose later of asking unanimous consent for its consideration. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the bill, as follows:

An act (S. 7515) to reserve lands to the Territory of Alaska for educational uses, and for other purposes.

Be it enacted, etc., That when the public lands of the Territory of Alaska are surveyed, under direction of the Government of the United States, sections Nos. 16 and 36 in each township in said Territory shall be, and the same are hereby, reserved from sale or settlement for the support of common schools in the Territory of Alaska; and section 33 in each township in the Tanana Valley between parallels 64 and 65 north latitude and between the one hundred and forty-fifth and the one hundred and fifty-second degrees of west longitude (meridian of Greenwich) shall be, and the same is hereby, reserved from sale or settlement for the support of a Territorial agricultural college and school of mines when established by the Legislature of Alaska upon the tract granted in section 2 of this act: *Provided*, That where settlement with a view to homestead entry has been made upon any part of the sections reserved hereby before the survey thereof in the field, or where the same may have been sold or otherwise appropriated by or under the authority of any act of Congress, or are wanting or fractional in quantity, other lands may be designated and reserved in lieu thereof in the manner provided by the act of Congress of February 28, 1891 (26 Stats., p. 791): *Provided further*, That the Territory may, by general law, provide for leasing said land in area not to exceed one section to any one person, association, or corporation for not longer than 10 years at any one time: *And provided further*, That if any of said sections, or any part thereof, shall be of known mineral character at the date of acceptance of survey thereof, the reservation herein made shall not be effective or applicable, but the entire proceeds or income derived by the United States from such sections 16 and 36 and such section 33 in each township in the Tanana Valley area hereinbefore described, and the minerals therein, together with the entire proceeds or income derived from said reserved lands, are hereby appropriated and set apart as separate and permanent funds in the Territorial treasury, to be invested, and the income from which shall be expended only for the exclusive use and benefit of the public schools of Alaska or of the agricultural college and school of mines, respectively, in such manner as the Legislature of Alaska may by law direct.

Sec. 2. That section No. 6, in township No. 1 south of the Fairbanks base line and range No. 1 west of the Fairbanks meridian; section No. 31, in township No. 1 north of the Fairbanks base line and range No. 1 west of the Fairbanks meridian; section No. 1, in township No. 1 south of the Fairbanks base line and range No. 2 west of the Fairbanks meridian; and section No. 36, in township No. 1 north of the Fairbanks base line and range No. 2 west of the Fairbanks meridian, be, and the same are hereby, granted to the Territory of Alaska, but with the express condition that they shall be forever reserved and dedicated to use as a site for an agricultural college and school of mines: *Provided*, That nothing in this act shall be held to interfere with or destroy any legal claim of any person or corporation to any part of said lands under the homestead or other law for the disposal of the public lands acquired prior to the approval of this act: *Provided further*, That so much of the said land as is now used by the Government of the United States as an agricultural experiment station may continue to be used for such purpose until abandoned for that use by an order of the President of the United States or by act of Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LENROOT. Mr. Speaker, I think the question is whether the Committee on the Public Lands be discharged and present consideration had of the House bill.

The SPEAKER pro tempore. As the Chair understood it, the request for unanimous consent was that the Committee on

the Public Lands be discharged from the further consideration of the bill S. 7515, and that it be read for the purpose of asking unanimous consent for the passage of the bill.

Mr. LENROOT. Was the unanimous consent given?

The SPEAKER pro tempore. The consent to discharge the committee and to have the bill read at the Clerk's desk was given, but the unanimous consent for the consideration of the bill has not been given. Is there objection?

Mr. NORTON. Reserving the right to object, Mr. Speaker, I desire to ask the gentleman from Wisconsin [Mr. LENROOT] is this bill drawn for the purpose of locating the site of the agricultural college in Alaska?

Mr. LENROOT. It is not, except that if the Territory of Alaska shall use this as a site, it makes a grant of these four sections for that purpose. If they do not use the four sections for an agricultural college, the four sections revert to the Government.

Mr. NORTON. Well, in case the Legislative Assembly of Alaska should determine to locate the agricultural college elsewhere, would the Territory then receive the grant of land, being sections 33 in the townships enumerated?

Mr. LENROOT. It would only affect the four sections.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER pro tempore. If there be no objection, it will be so ordered. The Clerk will read the bill under the five-minute rule.

The Clerk began the reading of the bill.

Mr. MANN. Mr. Speaker, the bill has just been read. It is not customary to read it again unless somebody asks for it.

Mr. MONDELL. Mr. Speaker, I move to strike out the last word.

Mr. LENROOT. Before the gentleman makes that motion I wish to correct a statement that I made in response to a question of the gentleman from North Dakota [Mr. NORTON]. I stated to him that if the agricultural school was not located on this tract it would not affect the grant. I find that it does.

Mr. NORTON. That is what I thought, and I certainly should object to the consideration of the bill if that is intended to be the law.

Mr. WICKERSHAM. I hope the gentleman will not do that. There is nothing that we need up there more than this.

Mr. MADDEN. It is too late to object now, as consent for the consideration of the bill has been granted.

Mr. MANN. Oh, well, I know, but where a mistake has been made no gentleman is going to take advantage of it.

Mr. LENROOT. Was that statement made before consent was given?

Mr. MANN. Yes; and the gentleman had reserved the right to object.

Mr. NORTON. Mr. Speaker, reserving the right to object, I want to say that the provision which locates this agricultural college at a certain place near Fairbanks, irrespective of the desire of the people of Alaska as may be expressed by their legislative assembly, and provides that unless it is located on these four sections the grant of land will not go to the State Agricultural College of Alaska, is not, in my opinion, a fair provision and savors altogether too much of special congressional legislation for the benefit of a particular city or locality in Alaska to meet my approval.

Mr. MANN. Will the gentleman yield?

Mr. NORTON. Yes.

Mr. MANN. It seems to me that, after all, that is not very material. It has never been customary to give any of this land to an agricultural college under such conditions, and if the Territory of Alaska or the territorial legislature conclude that they want to locate the college somewhere else it will practically be a matter of form for Congress to do the same thing for that location that it has done for this.

Mr. NORTON. Why should not Congress at this time reserve or grant this land for a State agricultural college in Alaska, and leave it to the people of Alaska and to the legislative assembly of Alaska to determine its proper location, as has been done in other States?

Mr. MANN. One reason is that we want, if we can, to get rid of an expensive proposition that we have up there. I do not know whether we will succeed in it or not. I do not know whether the committee contemplated that. We have an experiment station on this land, have we not?

Mr. WICKERSHAM. Yes.

Mr. MANN. While the raising of agricultural products there is undoubtedly profitable, yet this station is very costly, and

they do not raise enough to pay the expenses of it, and never will.

Mr. NORTON. How much land is included in this grant?

Mr. MANN. Quite a large amount—one section in every township in a territory probably more than 75 or 100 miles square.

Mr. WICKERSHAM. It is 66½ miles one way and about 200 the other.

Mr. MANN. Equivalent to at least 100 miles square.

Mr. NORTON. How many acres are included in the grant?

Mr. WICKERSHAM. It is not a grant, but a mere reservation. Congress may set it aside at any time.

Mr. NORTON. It is to be reserved for the use of this agricultural college.

Mr. WICKERSHAM. Only the four sections at the United States experiment station at Fairbanks were granted. These sections are granted to the Territory because of all spots in the Territory that is the place where the agricultural college ought to be. The Government has chosen that spot as the proper place for an agricultural experiment station, and through this bill we have chosen that location for an agricultural college.

Mr. MANN. An agricultural college anywhere else in Alaska, and I am not sure but one at this place, would be a joke—either an agricultural college or a school of mining. But if it is to be located up there at all, at present, it ought to be located at the experiment station.

Mr. WICKERSHAM. That is really the smallest part of this bill. The really valuable part of the bill is that it reserves the school lands for the Territory of Alaska which have never been reserved heretofore. Every other Territory at the time it was organized had sections 16 and 36 in each township reserved for the support of common schools. We have nothing of that kind in Alaska. We have no public lands, no school lands, no school fund, no school law, no school system. We have 10,000 children of school age and substantially no schools for them. Our legislature meets the 1st of March, and if we can get this bill passed the legislature can begin to pass legislation for the support of our common schools. This bill has been approved by Secretaries Lane and Houston before the committees of the Senate and House. It has been before the committees for a year. It has been most carefully considered. It is one of the most urgent necessities in the development of Alaska, and I certainly hope the gentleman will not object.

Mr. NORTON. There is no one in this House who is more in favor of setting aside public land for school purposes than I am, but I do not believe it is a proper function at all for this Congress to say where in Alaska this agricultural college shall be located.

Mr. WICKERSHAM. It does not say that.

Mr. NORTON. I think that is a function that properly belongs to the people of Alaska and to their legislative assembly.

Mr. WICKERSHAM. The bill does not say that.

Mr. NORTON. It practically says that. No land is granted or reserved for a State agricultural college, unless the college is located on the four sections near Fairbanks.

Mr. WICKERSHAM. The bill makes a grant of four sections at this particular place, because the Government and everybody else agree that that is the best place for the location of that particular kind of an institution.

Mr. NORTON. If the gentleman will permit me to read for a moment, the bill says, beginning on page 1, line 3:

That when the public lands in the Territory of Alaska are surveyed under direction of the Government of the United States sections Nos. 16 and 36 in each township in said Territory shall be, and the same are hereby, reserved from sale or settlement for the support of common schools in the Territory of Alaska.

That is very good, and I heartily approve that portion of the bill.

Mr. WICKERSHAM. Yes.

Mr. NORTON. It continues—

And section 33 in each township in the Tanana Valley.

Mr. WICKERSHAM. Notice, that is in the Tanana Valley.

Mr. NORTON. Between parallels 64 and 65 north latitude—

Mr. WICKERSHAM. That is 66½ miles.

Mr. NORTON. And between the one hundred and forty-fifth and the one hundred and fifty-second degrees of west longitude.

Mr. WICKERSHAM. That is about 200 miles.

Mr. NORTON. How many acres does that include?

Mr. WICKERSHAM. That would take in 1 section out of each 36.

Mr. NORTON. I know that; but how many acres would that be?

Mr. WICKERSHAM. I judge about 80 sections.

Mr. LA FOLLETTE. Eighty sections would be a little over 50,000 acres.

Mr. LENROOT. It comprises, I think, about 180,000 acres.

Mr. NORTON. I think it would be even more than that. However, the language of the bill continues:

And the same is hereby reserved from sale or settlement for the support of a Territorial agricultural college and school of mines when established by the Legislature of Alaska—

Now, it does not stop there, but it continues as follows: upon the tract granted in section 2 of this act.

Mr. LENROOT. May I suggest to the gentleman that the gentleman seems to be laboring under the idea that here is a grant of land. All that it does in the world is to preserve from disposition this tract of land. The grant is a subject for the future, and there is no doubt that if the Territory of Alaska chooses to establish this agricultural college at some other point, that when it comes time to make a grant of school lands it will require further legislation and Congress will not refuse to make the grant because the college is not established on this tract.

Mr. NORTON. The language is, "reserved from sale or settlement for the support of a Territorial agricultural college and school of mines." It may be conceded that it does not make an express grant of this land. The grant will be made and completed when the Territory is admitted as a State?

Mr. LENROOT. Yes.

Mr. NORTON. This is preliminary to the complete grant of all title?

Mr. LENROOT. The only thing this does is to prevent its being disposed of. As far as any declaration as to the purpose it is absolutely immaterial, except in future legislation Congress will make the grant in general accord with the purpose.

Mr. STAFFORD. I want to direct the attention of gentlemen to the phraseology in section 2, where there is an express grant.

Mr. LENROOT. Yes; there is an express grant of four sections.

Mr. FALCONER. Mr. Speaker, I would like to ask the gentleman from Alaska is it the intention of the legislature to establish an agricultural college?

Mr. WICKERSHAM. I hope to have it done in March, when the legislature meets.

Mr. FALCONER. Is it the intention to have other educational institutions located in the same place in Alaska, or do you expect to have an agricultural college in one place and a college of arts and sciences in another?

Mr. WICKERSHAM. This is for an agricultural college and a school of mines only. This is in the agricultural region of the interior.

Mr. FALCONER. I want to say that, as a matter of economics, it is a question as to whether it is an advantage to any State or Territory to have a university located in one part of the Territory and an agricultural college in another. It is true that in Washington, as well as in other States, it is reported to have cost the taxpayers a great amount of money having educational institutions located in different parts of the State, and I think that will be true in Alaska. If this is the proper time, as far as Alaska is concerned, with a population of 35,000 white people, to establish an agricultural college and a university and a school of mines in one place, all right; but I should object at any time if I were a citizen of the Territory of Alaska, or as a Congressman here, having to do with the welfare of Alaska, in having two educational institutions in that Territory located in different parts of the Territory at this particular stage of development—just now when the Government is on the eve of great development in the fertile valleys of the Territory.

Mr. WICKERSHAM. This only provides for an agricultural college and a school of mines. Formerly it provided for a university, but the Secretary objected to the use of the word "university" and it is stricken out at his request.

Mr. FALCONER. Does the gentleman feel that it is necessary at this time to establish an agricultural college in Alaska?

Mr. WICKERSHAM. Yes; I do, or I would not be urging it.

Mr. NORTON. Would the gentleman accept an amendment to strike out the words "upon the tract granted in section 2 of this act"?

Mr. LENROOT. I would have no objection except on account of the peculiar situation of the bill at this time with reference to the other end of the Capitol; but I think the gentleman must see that this is immaterial, inasmuch as this only reserves the land, and it is within the complete control of Congress.

Mr. NORTON. It reserves it if this school is located in this identical place.

Mr. LENROOT. The reservation is made whether the school is located in that place or not. The declaration is that the purpose of the reservation shall be for the support or assistance of this school if located there, but the reservation is complete whether the school is located there or not located at all.

Mr. NORTON. I question the gentleman's interpretation.

Mr. STEENERSON. It seems to me, Mr. Speaker, that the statement that this bill does not contain a grant is somewhat questionable, because the original grant of sections 16 and 36 was in these words, substantially: "There is hereby reserved for common schools in the different States sections 13 and 36."

Mr. BORLAND. Mr. Speaker, the regular order.

The SPEAKER. The gentleman from Missouri calls for the regular order.

Mr. NORTON. I object.

Mr. LENROOT. I would agree to accept that amendment.

The SPEAKER. The gentleman from North Dakota objects, and the Clerk will report the next bill.

LEASING OF OIL AND GAS LANDS WITHDRAWN FROM ENTRY.

The next business on the Calendar for Unanimous Consent was the bill S. 5434, "An act authorizing the Secretary of the Interior to grant permits to the occupants of certain unpatented lands on which oil or gas has been discovered, and authorizing the extraction of oil or gas therefrom."

The SPEAKER. Is there objection?

Mr. MANN and Mr. MADDEN objected.

Mr. FALCONER. Do gentlemen understand that the Legislature of the State of Washington, and I presume other legislatures, have memorialized Congress asking for this legislation?

Mr. MANN. Does the gentleman know what the bill is?

Mr. FALCONER. I do.

Mr. MADDEN. It legislates three or four lawsuits out of court.

The SPEAKER. The gentlemen from Illinois [Mr. MANN and Mr. MADDEN] object.

RESERVATION OF SCHOOL LANDS IN ALASKA.

The SPEAKER pro tempore. Before taking up the next bill the Chair desires to call the attention of the House to the fact that the Committee on Public Lands was discharged from further consideration of Senate bill 7515, and that bill is now on the Speaker's table. The Senate bill was read for the purpose of unanimous consent. Objection was made to the consideration of the bill, and the bill is now before the House in some way.

Mr. LENROOT. Mr. Speaker, I ask unanimous consent that the bill remain on the Speaker's table. The Committee on Public Lands has reported identically this bill, and it is on the calendar.

The SPEAKER pro tempore. Then the Chair would suppose it would be proper to refer it to the calendar.

Mr. MANN. No; just have it lie on the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill S. 7515 may remain on the Speaker's table. Is there objection?

Mr. FOSTER. Mr. Speaker, I object. I think it ought to go back to its place.

The SPEAKER pro tempore. The gentleman from Illinois objects. The point is that the bill is in an anomalous position. It was taken from the committee, and it is resting here without any place to go.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the order discharging the committee from further consideration of the bill be vacated.

The SPEAKER pro tempore. Is there objection?

There was no objection, and it was so ordered.

EL PASO & ROCK ISLAND RAILWAY CO.

The next business on the Calendar for Unanimous Consent was the bill (S. 2278) granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

TREATMENT OF LEPROSY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20040) to provide for the care and treat-

ment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, has the gentleman from Georgia [Mr. Adamson] prepared any amendments to the bill?

Mr. ADAMSON. I have not. I have been waiting for suggestions from the gentleman from Illinois. If the gentleman will permit the bill to proceed, I am perfectly willing to strike out the words "or sites," in line 5, and at such other places in the bill where it is necessary, so as to provide for only one site. I would prefer, of course, to have others.

Mr. MANN. Oh, I think the authorization of one is enough at this time. I have no objection to doing that.

Mr. ADAMSON. Very well; I shall offer that amendment when the time comes.

Mr. MANN. There are several other amendments.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire what is the idea of granting ad libitum authority to the Surgeon General to grant allowances to those surgeons assigned to duty at this leprosy?

Mr. ADAMSON. I presume it is on account of the extra hazardous and disagreeable work.

Mr. STAFFORD. Why should there be unlimited discretion granted to the Surgeon General to grant any allowances to those surgeons?

Mr. MANN. That is the law now. That does not change the law. It provides for one-half of the pay and allowances extra that are granted by the Surgeon General, and while theoretically they are allowed to fix it, practically it is beyond their control.

Mr. STAFFORD. As far as one-half increased pay is concerned, I do not believe there is any serious objection to that, because it is a very dangerous and hazardous employment.

Mr. ADAMSON. Where are the particular words to which the gentleman refers?

Mr. MANN. This relates to allowances to the man who goes there. This is not one-half of the allowance.

Mr. STAFFORD. No; I am directing attention particularly to the phrase in line 13, page 3.

Mr. MANN. I should suppose if they got a permanent surgeon at a leprosy hospital that they would probably have to make him more allowances than the regular allowance.

Mr. ADAMSON. If the gentleman from Illinois will permit, I think that contemplates legal allowances, and the language proceeds to say "with the approval of the Secretary of the Treasury." So it is not arbitrary with the Surgeon General.

Mr. MANN. On first reading of the bill I supposed that it meant one-half pay and allowances, but on reading the bill again I concluded it meant to give him extra one-half the pay of his grade; and, then, there should be a comma there; and then the language goes on, "and such allowances as may be provided by the Surgeon General." In other words, it was not to be one-half of the ordinary allowances, but they were to be permitted to make extra allowances for him.

Mr. ADAMSON. I presume it must be the legal allowance.

Mr. STAFFORD. Under this phraseology the Surgeon General, with the approval of the Secretary of the Treasury, could grant any allowance he saw fit.

Mr. MANN. Oh, yes.

Mr. ADAMSON. If you do not think it contemplates a lawful allowance we can say so.

Mr. MANN. That is a lawful allowance. They probably would have to make him an extra allowance. If they wanted me to go to a leprosy they would have to make me an extra allowance, although there are some people I know whom I would be very glad to locate there and pay them a considerable extra allowance.

Mr. STAFFORD. There are a great many on the other side who would like to have that distinction fall on many gentlemen on this side.

Mr. MANN. Oh, no; not many, only a few.

Mr. ADAMSON. I hope the gentleman does not intend to be personal to anybody. I desire to say in answer to the suggestion of the gentleman from Wisconsin that I am not partisan enough to wish that bad luck on any gentleman on that side.

Mr. STAFFORD. Not publicly, but maybe privately.

Mr. ADAMSON. No, sir; not privately.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of carrying out the provisions of this act the Secretary of the Treasury is authorized to select and obtain, by purchase or otherwise, a site or sites suitable for the establishment of a home or homes for the care and treatment of persons afflicted with leprosy, to be administered by the United States Public Health Service; and the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, or the Secretary of Agriculture is authorized to transfer to the Secretary of the Treasury any abandoned military, naval, or other reservation suitable for the purpose, or as much thereof as may be necessary, with all buildings and improvements thereon, to be used for the purpose of said home or homes.

SEC. 2. That there shall be received into said home or homes, under regulations prepared by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, any person afflicted with leprosy who presents himself or herself for care, detention, and treatment, or who may be apprehended under authority of the United States quarantine acts, or any person afflicted with leprosy duly consigned to said home or any of said homes by the proper health authorities of any State, Territory, or the District of Columbia. The Surgeon General of the Public Health Service is authorized, upon request of said authorities, to send for any person afflicted with leprosy within their respective jurisdictions, and to convey said person to any such home for detention and treatment, and when the transportation of any such person is undertaken for the protection of the public health the expense of such removal shall be paid from funds set aside for the maintenance of said home or homes.

SEC. 3. That regulations shall be prepared by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, for the government and administration of said home or homes and for the apprehension, detention, treatment, and release of all persons who are inmates thereof.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized to cause the erection upon such site or sites of suitable and necessary buildings for the purposes of this act at a cost not to exceed the sum herein appropriated for such purpose.

SEC. 5. That when any commissioned or other officer of the Public Health Service is detailed for duty at the home or homes herein provided for he shall receive, in addition to the pay and allowances of his grade, one-half the pay of said grade and such allowances as may be provided by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury.

SEC. 6. That for the purposes of carrying out the provisions of this act there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$250,000, or as much thereof as may be necessary, for the preparation of said home or homes, including the erection of necessary buildings, the maintenance of the patients, pay and maintenance of necessary officers and employees, until June 30, 1916.

Mr. MANN. Mr. Speaker, I move to strike out, in line 5, page 1, the words "or sites" and to strike out, in line 6, the words "or homes" and to strike out, in lines 3 and 4, page 2, the words "or homes."

Mr. ADAMSON. That is all right; I am willing to that.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, in line 5, strike out the words "or sites"; in line 6, strike out the words "or homes"; on page 2, in lines 3 and 4, strike out the words "or homes."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out, in line 10, page 1, the word "is" and insert the words "are respectively." It is a grammatical error.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, in line 10, strike out the word "is" and insert the words "are respectively."

Mr. ADAMSON. Mr. Speaker, if that is done we will have to change the connecting word "or" at the beginning of line 10. As it is it is disjunctive; if you are going to make it conjunctive you will have to put the word "and" in the place of "or."

Mr. MANN. I do not think so, but if the gentleman prefers the present grammatical construction, I have no objection.

Mr. ADAMSON. It says "and the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, or the Secretary of Agriculture is authorized to transfer." That is good as it is.

Mr. MANN. All right; I withdraw my amendment.

The SPEAKER pro tempore. Without objection, the amendment is withdrawn.

Mr. MANN. This bill was read?

The SPEAKER pro tempore. Yes.

Mr. MANN. I ask unanimous consent for the following amendments: Page 2, lines 5 and 6, strike out the words "or homes"; page 2, line 12, strike out the words "or any of said homes"; page 3, line 6, strike out the words "or sites."

Mr. STAFFORD. And strike out, in lines 21 and 22, the words "or homes."

Mr. MANN. Yes.

Mr. STAFFORD. And also the word "any," in line 17, page 2. Should not that be stricken out?

Mr. MANN. Do not let the Clerk get it all mixed up.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 21 and 22, strike out the words "or homes"; page 3, line 11, strike out the words "or homes."

Mr. ADAMSON. That is all right.

Mr. STAFFORD. In line 17, should not the word "any" be stricken out? It says, "to any such home." There is only one home. The word "any" presupposes more than one.

Mr. ADAMSON. That is all right. All of these changes are mere verbal changes.

Mr. MANN. And strike out the word "any," in line 17, page 2.

Mr. ADAMSON. These are all proper verbal changes to conform with the amendment already agreed to.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the House agree to the amendments which have been indicated by him.

Mr. MANN. The Clerk had better report them, to see that he gets them correctly.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

On page 2, lines 5 and 6, strike out the words "or homes"; page 2, line 12, strike out the words "or any of said homes"; line 17, strike out the word "any"; in lines 21 and 22, strike out the words "or homes"; page 3, line 6, strike out the words "or sites"; line 11, strike out the words "or homes."

Mr. MANN. And in line 20 strike out the words "or homes."

Mr. STAFFORD. And line 1, page 3, to strike out the words "or homes."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Line 1, page 3, strike out the words "or homes"; line 20, strike out the words "or homes."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendments were agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. This section 6—of course I do not know whether this bill is likely to pass, but I do not think you can do anything under section 6. There is a limitation on the appropriation of \$250,000 until June 30, 1916. They can not finish a building by that time.

Mr. STAFFORD. They may be able to contract to make the money available two years after that date.

Mr. MANN. There will be no maintenance during the next year.

Mr. ADAMSON. I presume, though, it means that we spend that much in progress up to that time.

Mr. MANN. I think there ought to be a limit of cost. I move to strike out all of the section of the bill after the word "buildings," in line 21, page 23.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. ADAMSON. The idea of the gentleman from Illinois is that it will not be ready for occupancy?

Mr. MANN. It will not be, I think; but if it is, a deficiency appropriation will cover it.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of the bill after the word "buildings," in line 21.

Mr. ADAMSON. There is this to say about that: I call the attention of the gentleman to the fact that if the department should succeed in acquiring a site it is possible it will be ready for occupation and operation at once.

Mr. MANN. All right; I will withdraw the amendment, if I may. If you want to take the chances on it, all right.

The SPEAKER pro tempore. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. ADAMSON. The amendment we have made confining it to one would make it easier to secure one than it would be to secure two or more.

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SITE FOR PUBLIC BUILDING, HARTFORD, CONN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18310) to acquire a site for a public building at Hartford, Conn.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will report the next bill.

PUBLIC BUILDING AT BATH, ME.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1702) increasing the limit of cost fixed by act of Congress approved June 25, 1910, for enlargement, extension, etc., of Federal building at Bath, Me.

The SPEAKER pro tempore. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to know what particular work was authorized in the original authorization and was eliminated that necessitates the expenditure of \$10,000 additional?

Mr. CLARK of Florida. I will say, Mr. Speaker, the department says it is the approaches and a number of other betterments of that sort, and, I think, a better fireproof construction, that they had to leave out, and they need this much money to complete them.

Mr. FITZGERALD. I do not think it is of sufficient importance to pass under the existing condition of the Treasury, and I shall have to object.

Mr. CLARK of Florida. Mr. Speaker, I desire to ask that the bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent that the bill H. R. 1702 be passed without prejudice. Is there objection?

There was no objection.

VALIDATING CERTAIN HOMESTEAD ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21122) to validate certain homestead entries.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this bill was under consideration on the last unanimous-consent day, and the question arose as to wherein these entrymen did not have the privilege of paying the appraised value in obtaining the lands on which they entered under a misapprehension caused by the public-land officials.

Mr. FERRIS. That is right. I stated at that time, if the gentleman will recall, in the colloquy between the gentleman from Illinois [Mr. MANN] and myself, that I was personally on the ground and saw notices that were published at that time. I did not have them with me then, but since that time I have communicated with the United States commissioner who takes the proof down there and who is still commissioner and has been commissioner for 12 or 13 years. He sends me a copy of the note that was published in the paper inviting the people to come on the land, and I have also here a letter from the department that tells the local land office to give publicity to this opening. I shall be glad to read the letter of the department to the gentleman. It is under the date of March 3, 1911. The letter is from the Assistant Commissioner of the General Land Office to the register and receiver of the General Land Office, and it reads:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, March 3, 1911.

Restoration near Wichita National Forest, Okla.
Restoration of public lands to settlement and entry. Notation ordered.

REGISTER AND RECEIVER, Guthrie, Okla.

GENTLEMEN: The vacant unappropriated public lands in the following-described areas, which were temporarily withdrawn for forestry purposes on January 29, 1906, and adjoin the Wichita National Forest, Okla., if not otherwise withdrawn or reserved, will be restored to the public domain on May 16, 1911, and become subject to settlement on and after that date, but not to entry, filing, or selection until on and after June 15, 1911, under the usual restrictions, at your office.

In T. 5 N., R. 14 W., NE. $\frac{1}{4}$ sec. 30, secs. 31 and 32.

In T. 5 N., R. 15 W., sec. 32 and E. $\frac{1}{4}$ sec. 36, Indian meridian.

You will make the proper notations of this restoration to settlement and entry upon your records, post the copy hereof in a conspicuous place in your office, and give as much publicity to the restoration as possible as a matter of news.

This restoration is made upon the recommendation of the Acting Secretary of Agriculture, dated February 14, 1911.

A diagram showing the areas to be restored is hereto attached.

Very respectfully,

Approved March 3, 1911.

S. V. PROUDFIT,
Assistant Commissioner.

FRANK PIERCE,
First Assistant Secretary.

And the diagram shows the land to be restored. Now, let me read the notice to the gentleman that was published in the paper after that letter went out there. It is as follows:

OPENING NEW LANDS SOON.

The vacant unappropriated public lands in the following-described areas, if not otherwise withdrawn or reserved, will be restored to the public domain on May 16, 1911, and become subject to settlement on and after that date, but not to entry and filing or selection until on and after June 15, 1911, under the usual restrictions at the United States land office, Lawton, Okla.

(Then follows description of lands.)

This restoration is made upon the recommendation of the Acting Secretary of Agriculture, dated February 14, 1911. It includes 21,830 acres. The usual restrictions requiring payment of \$1.25 per acre when final proof is made will be in force.

STATE OF OKLAHOMA, County of Comanche, ss:

Charles C. Black, being first duly sworn upon his oath according to law, deposes and says that he is the editor of the Lawton News, formerly the Lawton News-Republican, and as such has charge of the records and files of said publication; that he finds in the issue of the daily of the Lawton News-Republican of March 10, 1911, a notice of which the above and foregoing is a true and correct copy.

CHARLES C. BLACK.

Subscribed and sworn to before me this 17th day of February.

H. R. BLANDING,
United States Commissioner, Lawton, Okla.

Mr. STAFFORD. On the former occasion I did not question that there had been a publication and that these people were led to believe that these lands were open to entry, but at that time I could not see wherein any of these persons had entered under the provisions of the act approved June 30, 1913.

Mr. FERRIS. They entered way prior to that.

Mr. STAFFORD. They entered under the act of March 3, 1911.

Mr. FERRIS. No; they did not. If they had entered, no doubt the gentleman would be entirely correct. The act that the gentleman refers to was an amendment placed upon the Indian appropriation bill, and the General Land Office and the local land office people did not pursue the provisions of that act, but instead of that they went ahead and provided for the opening of the land. No doubt it was an oversight. No doubt they did not see the amendment in the appropriation bill. They have now paid \$1.25 an acre for it. They did exhaust their homestead right. Forty-two of them have entered and complied with the homestead law. Now we ask that they be permitted to do the thing they started out to do, and the thing which they had a right to do.

Mr. STAFFORD. Why do they ask to be relieved of the provisions of the act of 1913?

Mr. FERRIS. Because the later act provides that they shall pay the highest price for this land, under rules and regulations such as the department prescribes. After a man is permitted to homestead, and after he has filed on the land and exhausted his right and proved it and sold his land, it is preposterous for the Government to come along and say, "I will take it away from you and sell it to somebody else, or else make you pay full value for it."

Mr. STAFFORD. Then, as I understand, the only people to whom this bill applies are those who took advantage under the erroneous publication?

Mr. FERRIS. Precisely.

Mr. STAFFORD. And no one who entered by reason of the act of June 30, 1913, is affected?

Mr. FERRIS. Oh, no. They did not enter under the act of June 30, 1913. They bought. They did not make homestead entries at all.

Mr. STAFFORD. It says here in the bill, "All homestead entries erroneously allowed for unused and unreserved lands authorized to be sold under section 6 of the act of March 3, 1911, and under the provisions of the act approved June 30, 1913."

Mr. FERRIS. But the point is that the lands that were sold were not entered at all. They put them up and sold them to the highest bidder. Some very valuable lands were sold in that way. But some of these entrymen have proved up and made leases on the land and moved away. It is a clear case of a mistake made by the Land Office, and they ask that it be corrected.

Mr. STAFFORD. Only 44 of them—

Mr. FERRIS. Fifty-six of them.

Mr. STAFFORD. Twelve of them are not affected by these patents?

Mr. FERRIS. They say, "Unless you get relief from Congress you can not hold these lands."

Mr. STAFFORD. That applies only to the 12?

Mr. FERRIS. Yes.

Mr. STAFFORD. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all homestead entries heretofore erroneously allowed for the unused, unallotted, and unreserved lands of the United States in the Kiowa, Comanche, and Apache Indian Reservations, which lands were authorized to be sold under section 16 of the act approved March 3, 1911 (36 Stat. L., p. 1069), and under the provisions of the act approved June 30, 1913 (38 Stat. L., p. 92), are hereby ratified and confirmed.

With a committee amendment, as follows:

Page 2, line 1, insert the following: "Provided, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay \$1.25 per acre for the land entered at the time of submitting final or commutation proof."

Mr. MANN. There is a duplication there, Mr. Speaker, of the word "proof." One of them should be stricken out.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the duplication of the word "proof" be stricken out.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the duplication of the word "proof" be stricken out. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS ST. LOUIS RIVER BETWEEN MINNESOTA AND WISCONSIN.

The next business on the Calendar for Unanimous Consent was the bill (S. 5325) authorizing the county of St. Louis to construct a bridge across St. Louis River between Minnesota and Wisconsin.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. LENROOT. I object, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] objects, and the bill is stricken from the calendar. The Clerk will report the next one.

BRIDGE ACROSS ST. LOUIS RIVER, MINN. AND WIS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15727) authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin.

The Clerk read the title of the bill.

Mr. LENROOT. Reserving the right to object, if the gentleman would like to have this go over—

Mr. MILLER. What would be the object in letting it go over? The gentleman has just objected to the consideration of a Senate bill on the same subject.

Mr. LENROOT. The gentleman is the author of this House bill.

Mr. MILLER. Oh, well, we are not going to quibble about the thing. If the gentleman wants to pass his bill, let us pass it, and I will pass mine. That is fair.

Mr. LENROOT. I told the gentleman that if he desired to have it passed without prejudice I am willing. Otherwise—

Mr. MILLER. What is the use of passing it without prejudice, when in all probability this is the last time that the Unanimous Consent Calendar will be called during this Congress? I do not think we ought to take up the time of the House—

Mr. LENROOT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects. The bill will be stricken from the calendar.

INTERSTATE TRANSFER RAILWAY CO. BRIDGE ACROSS ST. LOUIS RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17762) to amend an act approved February 20, 1908, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota."

The Clerk read the title of the bill.

Mr. MILLER. Mr. Speaker, this bill has been read once. Reserving the right to object, is it the purpose of the gentleman from Wisconsin to pass this bill, may I inquire?

Mr. LENROOT. If the gentleman does not object, I expect it will be passed.

Mr. MILLER. The gentleman saw fit to object to a perfectly meritorious, absolutely proper bill in which neither he nor his district is interested in the remotest degree, but in which the whole people of the State of Minnesota are interested, because it is a Minnesota project, a good-roads project, a farmers' market project—

Mr. LENROOT. Mr. Speaker, unless I can have an opportunity to reply to the very inaccurate statements that are being made by the gentleman from Minnesota—

Mr. FOSTER. Regular order, Mr. Speaker.

Mr. MILLER. Reserving the right to object—

Mr. FOSTER. Regular order!

Mr. LENROOT. I hope the gentleman will not object.

Mr. FOSTER. These two gentlemen have had their day in court—

Mr. MILLER. No; we have not. I have been a very patient and silent sufferer under a long-continued persecution, and the long suffering is going to end.

The SPEAKER. Is there objection?

Mr. MILLER. Reserving the right to object—

The SPEAKER. But the regular order is called for.

Mr. MILLER. Then I object.

Mr. FOSTER. I withdraw the demand for the regular order.

Mr. LENROOT. I do not call for the regular order, but I shall have to unless I can have an opportunity to reply to the gentleman from Minnesota—

Mr. FOSTER. I withdraw the demand for the regular order.

Mr. CLARK of Florida. I object.

The SPEAKER. The gentleman from Florida objects. The bill will be stricken from the calendar.

TEMPE, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11253) authorizing the Secretary of the Interior to sell to the town of Tempe, Ariz., a tract of land containing road-making material.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, I should like to ask the gentleman in charge of the bill how much land there is, what the price of it is going to be, and what the value of the land is?

Mr. HAYDEN. The bill describes a tract containing 40 acres of rough land, to be sold to the town of Tempe for \$1.25 an acre.

Mr. MADDEN. I object.

Mr. HAYDEN. Will the gentleman let me explain the situation? If he will hear my explanation, I am sure that he will not object.

The SPEAKER. But he has already objected.

Mr. MADDEN. I am willing to withhold the objection to allow the gentleman to make a statement.

Mr. HAYDEN. I will say for the information of the gentleman from Illinois that this tract of land adjoins the north boundary of the town of Tempe, Ariz. I am personally familiar with the situation, because I was born within a mile of the land in question. It has absolutely no value for any purpose except for the road-making material that is contained in it. The town desires to purchase this rough, hilly tract in order to secure a convenient supply of road-making material for the improvement of its streets.

Mr. MADDEN. The value of land for road-making material may be fabulous.

Mr. HAYDEN. Not in Arizona.

Mr. MADDEN. Yes, in Arizona; if it has any road material on it, it is certainly worth more than \$1.25 an acre.

Mr. HAYDEN. That is the value that is put upon all public land that is sold to other towns in other States.

Mr. MADDEN. What is the material?

Mr. HAYDEN. It is caliche, a lime formation suitable for use on roads.

Mr. MADDEN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

VALIDATING CERTAIN HOMESTEAD ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (S. 3878) to validate certain homestead entries.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

Mr. STOUT. Will the gentleman reserve his objection?

Mr. MANN. There is no information in the report on this bill, and I do not think reports of this kind ought to be brought in.

Mr. MONDELL. I can give the gentleman information on the subject.

Mr. STOUT. Will the gentleman reserve his objection for a moment?

Mr. MANN. Yes.

Mr. STOUT. This is really a very important bill. I will plead guilty to the charge made by the gentleman from Illinois, that of not making as full and complete and comprehensive report as the importance of the measure might suggest. I plead guilty to that. I will simply say that it was due largely to my inexperience in this body. I put as much in the report as I thought would be necessary for information. But for the further information of the gentleman from Illinois, although I think he perhaps is pretty well aware of the purpose of the bill, this is to permit people who have gone out into the public-land States of the West and filed upon less than 160-acre tracts and proved up on them to avail themselves of the advantage of the enlarged homestead act.

Mr. MONDELL. Will the gentleman allow me to make a brief statement?

Mr. STOUT. Yes.

Mr. MONDELL. Mr. Speaker, a similar bill was reported out of the committee two years ago, when I was a member of the Committee on the Public Lands. I think it passed the House, but for some reason or other failed in the Senate at the end of the session. The enlarged homestead act provides that those who are qualified homestead entrymen may take advantage of that act. At the time the act was passed the department was holding, and had held for 40 years, that anyone who had not taken four subdivisions approximating 160 acres was a qualified entryman, and therefore unless a man had taken such tracts he was qualified to take 320 acres. That ruling was modified by the department until they held that if a homestead, although it contained four subdivisions, was in fact less than 160 acres he could make an entry of 320 acres. After the department had held that for some time it suddenly reversed the ruling of 40 years and held that anyone who had made a homestead entry, even if it was only 40 acres, and had proved up on it, was not a qualified homestead entryman and could not make an entry under the 320-acre law.

In that interim, particularly in Montana, there were a number of entries made. I do not think the bill ought to be brought down to date. I think if we provide as the Senate bill did for cases before January 1, 1914, we would have provided for all of the meritorious cases.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MANN. I understood the gentleman to say that he reported a bill when he was chairman of the committee.

Mr. MONDELL. I will not say that I reported it.

Mr. MANN. Did the gentleman have a bill like this when he was chairman of the committee?

Mr. MONDELL. No; not when I was chairman of the committee, but when I was a member of the committee.

Mr. STOUT. In the last Congress.

Mr. MONDELL. I remember the legislation very well, because I had many interviews with the department officials as to what the words "qualified entrymen" meant.

Mr. MANN. This bill the gentleman speaks of in the last Congress was intended to cover suspensions of applications down to what date?

Mr. MONDELL. I do not remember.

Mr. MANN. Was it not 1912?

Mr. MONDELL. I think so.

Mr. MANN. Now we have a bill coming down to January, 1915. Why stop there? Why come down to that? Nobody has explained or pretended to explain that. We can not pass

bills here by unanimous consent with no information whatever.

Mr. MONDELL. In some of the districts it appears the register and receiver continued to allow these entries, even after the department had held that a man who had made a homestead entry, even of small acreage, was not a qualified entryman.

Mr. MANN. Does not the gentleman think that we are entitled to information upon the point of why this was done?

Mr. MONDELL. I was familiar with the situation in every detail when I was a member of the committee. Of course, there may have been some developments since that time necessitating the bringing of the legislation down to date.

Mr. MANN. I remember the original bill. We passed it in the House as I recall, coming down to a certain date, because it was said that people had been taking these claims without knowledge and the department had been advising them that they could do so. Then they were advised not to, but they paid no attention to that. The Senate proposed to bring this relief down to January 1 last year, and the House committee proposes to bring it down to January 1 this year. Why stop there if you come down that far?

Mr. MADDEN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. MANN. I shall have to object, or the gentleman can ask to have the bill passed over without prejudice.

Mr. STOUT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

ENLARGED HOMESTEAD.

The next business on the Calendar for Unanimous Consent was the bill (S. 5734) to extend the provisions of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to the State of Kansas.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, are not the provisions of this bill practically covered by the Fergusson bill?

Mr. FERRIS. The Fergusson bill goes even farther than this.

Mr. LENROOT. It does not cover it.

Mr. FERRIS. The Fergusson bill authorized a 640-acre homestead, along the line of the Kinkaid bill. This merely authorizes them to take a 320-acre homestead, as we have done in all those States.

Mr. MANN. In the arid regions; but under the Fergusson bill would it not also apply?

Mr. FERRIS. No.

Mr. MANN. Why not?

Mr. FERRIS. Mr. Speaker, in the first place, the Fergusson bill has not yet passed; but in order to come under the Fergusson bill the land must be designated by the Secretary of the Interior as being arid. The Kinkaid 640-acre homestead law applies to western Nebraska, just north of this Kansas land. For South Dakota, the other day, by amendment, we made this 320-acre homestead law applicable, and we have made it applicable to those Western States; but before they can enter any of this land under the enlarged-homestead act the Secretary of the Interior must designate the land as being nonirrigable and non-tilled. This will help settle and populate western Kansas. They have needed this for a long time. Eastern Kansas is all settled and is good land, but western Kansas is arid, and this law is needed to settle it up. It is like western Nebraska, and they were given a 640-acre homestead about 10 years ago. If it was advisable to give Nebraska a 640-acre homestead 10 years ago, when land was plentiful, surely it is advisable now to give Kansas a 320-acre law.

Mr. MANN. I understand; but if he so designates, if the Fergusson bill becomes a law, they could take the 640 acres.

Mr. MONDELL. Oh, no.

Mr. LENROOT. Under the Fergusson bill the Secretary of the Interior will not be authorized to designate any lands 320 acres of which, in his opinion, would support a family.

Mr. MANN. Nobody would ever claim that 320 acres of this land would support a family, because it will not. This is the same character of land.

Mr. MADDEN. How is the Secretary of the Interior going to decide what it takes to support a family?

Mr. MANN. Of course it is impossible under the Fergusson bill to ever comply with its terms and do anything, but according to its intent, it covers this case.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me?

Mr. MADDEN. Mr. Speaker, I object to the consideration of the bill.

Mr. CAMPBELL. I hope the gentleman will not do that.

Mr. FERRIS. I hope the gentleman will not do that. We have made this applicable to all those Western States. That is the only way they can get this western sand-hill country settled.

Mr. MADDEN. I withdraw the objection.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to know the specific reason for opening up the public domain in this wide way before granting unanimous consent.

Mr. NEELEY of Kansas. Mr. Speaker, this bill is designed to apply particularly to the seventh district of Kansas, although it may apply to some small degree to the sixth district also. We have there, as shown by the report of the Secretary of the Interior, about 92,000 acres of unentered land at this time, and in addition to that there are approximately 200,000 acres known as the Kansas National Forest Reserve, soon to be thrown open to homestead entry. The experience of the past 25 years has shown that it is impossible for an average family to make a living on 160 acres of this land. It is the rejected land of the State. It is either sandy, rough, full of soap weed, or there is some other good reason why industrious husbandmen feel that they can not make a living and support themselves on a quarter section of it, with the result that it has remained idle and wild all these years, and will continue to be unproductive unless Congress enacts some such legislation as is here proposed.

The people who live on the entered or deeded lands in the neighborhood of these vacant lands feel that if Congress would amend the law so that the entryman could file on a half section instead of a quarter section that this would result in attracting persons of thrift from other sections of the country who could, by growing dry-land crops adapted to that section and by raising cattle, make a sort of dairy country out of it and bring it to a condition where it will be entirely self-supporting and peopled by contented home owners.

This land is now nontaxable and by reason of this fact it imposes an added burden upon those counties within which the land is located. The most of these counties are sparsely populated, generally having from 700 to 800 people and running from this up to 1,500 or 2,000 population, and in only one or two instances exceeding these figures; so that you can readily see that this is a matter of no small concern to the interested persons.

Mr. STAFFORD. How much of this same character of land has been settled in 160-acre tracts?

Mr. NEELEY of Kansas. Well, practically none. Unless the homesteader was fortunate enough to have sufficient means of his own to enable him to purchase adjoining lands he simply could not make a living on a single quarter section, and the result has been that this is the refuse part of all the public lands yet remaining in Kansas and is of such poor quality that no one has felt justified in using a homestead right and taking the chances of being able to establish a home there.

Mr. STAFFORD. Have there been any entries on lands of the same character within recent years?

Mr. NEELEY of Kansas. Practically none.

Mr. STAFFORD. Have there been any?

Mr. NEELEY of Kansas. Well, I would not want to say there have not been any. It is altogether probable that there have been isolated instances where entries have been made, but the part remaining is the residue after all that appeared to be fit for homestead purposes had been taken. About two years ago President Taft, just before the end of his term, withdrew some forty or fifty thousand acres of the land embraced in this same forest reserve and subjected it to homestead entry. Owing to the fact that it was one of the few remaining bodies of public land subject to entry anywhere in the central portion of the country, the opening was extensively advertised in the newspapers of Kansas and adjoining States for many weeks, and a paper published near the land is my authority for the statement that, notwithstanding all this advertising, not a single homestead entry had been made there within the first three weeks succeeding the opening. This, I believe, will give you a pretty good idea of the desirability of the land under the restrictions of our present law.

Mr. STAFFORD. For my part, I wish to say to the gentleman and to the committee and the House that I am not in sympathy with giving up the public domain when there are so many of our urban population who are desirous of obtaining the public lands to make a livelihood. Now, if some of this

land had been opened to entry and settled upon, I can not see any reason for increasing the size of the unit.

Mr. NEELEY of Kansas. I agree with the gentleman if the quality of the land and the location, and so forth, were such that a family could make a living on this land, but time and repeated trials have demonstrated that this can not be done with this land. I hope the gentleman will not object, and that this measure may meet with the approbation of the House.

Mr. FERRIS. If the gentleman will yield to me for a moment, I think this may appeal to the gentleman. This is the situation: Ten years ago Congress thought it was necessary, and did pass what was called the Kinkaid Act. That act applies to the sand-hill country of western Nebraska, and they gave them there 640 acres. This merely makes the general enlarged-homestead law applicable which gives 320 acres. This western Kansas sand-hill land is just the same as that which 10 years ago we gave 640 acres. If 10 years ago it was thought advisable, in view of the development of that country, to give 640 acres, surely with the remnants which are left in Kansas, just over the State line, it would not be improper to give them 320 acres.

Mr. STAFFORD. Can the gentleman give the information as to whether the same character of lands have been entered upon in recent years under the 160-acre unit?

Mr. FERRIS. Like the gentleman from Kansas, I think you will find that once in a great while a man will find a little head of a valley with water and make there a pond or a tank, and probably make an entry; but otherwise there has been practically no development of that country in 25 years.

Mr. STAFFORD. Under the provisions of this bill it will enable those who have already entered on the 160-acre limit to obtain the additional 160 acres?

Mr. FERRIS. No; it does not renew any homestead right.

Mr. STAFFORD. The Fergusson bill gave former homestead entrymen the right to take additional arid land.

Mr. FERRIS. It did; but it was more liberal than this. This merely makes the same law apply to western Kansas that we recently applied to Dakota.

Mr. MONDELL. If the gentleman will yield, I recollect very well the conditions that existed at the time of the passage of the enlarged-homestead law. The only reason we did not apply it to Kansas was that Kansas at that time had practically no public lands. These lands that the law will now apply to were at that time held in a reservation as a forest reserve. There was no forest on them, but the Forestry Bureau had reserved quite a considerable acreage there with a view to utilizing some of it in the growing of trees. They are reserving the part now that they think they can grow the trees on and restoring the balance to the public domain. That leaves this area similar to areas in surrounding States to which we have heretofore made the homestead laws apply.

Mr. STAFFORD. Is it not safe to assume that the Federal forest, which comprises 200,000 acres, comprised a better character of land than the remnants of the arid lands outside the forest reserve?

Mr. MONDELL. They were worse. The only reason it was reserved as a national forest was that it was the remnant—that it was what was left. Nobody would take it, and they were looking for homestead land in Kansas—

Mr. FERRIS. The gentleman said there were persons down here in Washington looking for forest reserves.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. TAYLOR of Colorado. The State of Colorado, as you know, joins the State of Kansas for 400 miles. This enlarged homestead law which the gentleman from Wyoming put through applies to the State of Colorado, right along by the side of this very Kansas land, for 400 miles. We have demonstrated in our State that those people can not live on 160 acres, the same as they have in western Kansas, but they will live on 320 acres. They will go and take it and have a few cows and settle up that country.

Mr. STAFFORD. Let me ask the gentleman from Kansas whether the land in the forest reserve is of superior quality to that outside?

Mr. NEELEY of Kansas. It is infinitely inferior. The gentleman from Wyoming hit the question all right.

Mr. STAFFORD. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to consider it in the House as in the Committee of the Whole.

Mr. HARRISON. Mr. Speaker, I object.

Mr. FERRIS. Will the gentleman yield just for a minute? I ask unanimous consent that the gentleman from Mississippi [Mr. HARRISON] may have five minutes.

The SPEAKER. There will be no trouble about his getting five minutes. Is there objection to the bill being considered in the House as in Committee of the Whole? [After a pause.] The Chair hears none, and the Clerk will read the bill. Then the gentleman from Mississippi [Mr. HARRISON] will be recognized for five minutes.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909 (35 Stat. L., p. 639), as modified and amended, including section 6 thereof, are hereby extended and made applicable to the State of Kansas.

Also, the following committee amendments were read:

Page 1, line 3, after the word "provisions," insert the words "of sections 1 to 5, inclusive."

Line 7, same page, strike out the words "including section 6 thereof."

Mr. SPEAKER. The gentleman from Mississippi [Mr. HARRISON] is recognized.

Mr. HARRISON. Mr. Speaker, on yesterday the distinguished gentleman from Pennsylvania [Mr. MOORE] made certain remarks in respect to the War Risk Insurance Bureau and criticized the administration about its policy of insuring vessels going into the dangerous war zone across the Atlantic. This afternoon he made another speech along the same line. Unfortunately I was out of the Chamber when the gentleman spoke this afternoon. I read from the Record of his speech of yesterday. He said:

O Mr. Chairman, I wish somebody would rise now and explain why we ventured upon this hazardous business. Why was this War Risk Bureau established at the expense of the people of the United States to protect speculators?

I want to say to the distinguished gentleman from Pennsylvania, for whom I have a very high regard, that before this War Risk Insurance Bureau was established there was practically no sale for the cotton and lumber of the South and the many products of other parts of the country. Our cotton was stored in the warehouses or piled upon the docks of the South, and it was impossible to sell it to any appreciable extent to Germany, England, or other warring nations. Since the War Risk Insurance Bureau was established by the Government, up to date the statistics show that we have sold to Germany about as much cotton as was sold during the corresponding period of last year. And the facts about this War Risk Insurance Bureau that my friend criticizes are that it has been one bureau of the Government that has made money. It has been a paying business for the Government and of incalculable benefit to the business interests as well as the farmers of the country. What are the facts?

There have been 961 insurance policies issued since September 2, 1914. That was the day on which the bureau was organized and began business. The total amount insured has been \$56,645,084. The premiums on the policies have amounted to \$1,502,302.99. Of the above amount, the earned premium—that is, the policies that have been canceled—have amounted to \$640,848.

The expenses of running this department have been only \$6,766. If you count the loss to the Government of the *Evelyn* and *Carib*, the two vessels recently sunk, on which insurance was carried, we are still to the good by several hundred thousands of dollars. As I stated, the premiums that have been paid up until to-day have been \$1,502,000, and we have earned the canceled premiums to the amount of \$640,848. The Secretary of the Treasury and the directors of the bureau deserve great credit for the economical and yet efficient and able way in which this bureau has been conducted.

Mr. STAFFORD. Will the gentleman give us the amount of the loss on the two vessels that have just been destroyed?

Mr. HARRISON. Yes. The *Carib*, that was destroyed yesterday, carried \$22,253 insurance on the hull of the vessel, and on the cargo there was an insurance of \$235,850. On the *Evelyn*, that was destroyed the other day, there was \$100,000 carried on the vessel.

Mr. MOORE. On the hull of the vessel?

Mr. HARRISON. Yes; on the hull of the vessel, and \$301,000 was carried on the cargo.

Mr. HELGESEN. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. HELGESEN. Are these the amounts that were carried by the Government?

Mr. HARRISON. Yes; these are the amounts that were carried by the Government War Risk Insurance Bureau.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. MOORE. The gentleman's figures are correct.

Mr. STAFFORD. Does the gentleman yield?

Mr. HARRISON. Yes.

Mr. STAFFORD. Can the gentleman inform the House whether there was any insurance carried by private insurance companies on the vessels and cargoes?

Mr. HARRISON. There was no war-risk insurance by private insurance companies carried on the cargoes or the vessels, but under the policies that the Government issues they will not issue a policy on the cargo unless the owners carry marine insurance. And in the face of the policy when it is issued the policyholder agrees that there shall be marine insurance carried to an amount at least equivalent to the war-risk insurance that the Government issues.

And I want to say, Mr. Speaker, in this connection that—

Mr. STAFFORD. Then, there was insurance other than the Government insurance?

Mr. HARRISON. There was marine insurance on the cargo.

Mr. MOORE. I think there was some insurance outside of the cargo, was there not?

Mr. HARRISON. Yes; the marine insurance. Now, Mr. Speaker, the facts show further that before September 2, when this bureau was established, the insurance on many articles was 25 to 30 per cent, and because of the creation of this bureau the insurance rates established by it forced the other war-risk insurance companies to reduce their rates to a very great extent. For instance, for the period immediately following August 1, last year, the war-risk insurance through the North Sea was 25 per cent. Now it is only 3 per cent.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. HARRISON. Mr. Speaker, I do not like to impose at this late hour on the generosity and patience of the House, and so I ask unanimous consent to extend my remarks on this subject in the RECORD.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi may have three minutes more.

Mr. MOORE. I make the same request, Mr. Speaker.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Mississippi [Mr. HARRISON] may proceed for three minutes more. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman from Missouri [Mr. BORLAND] probably wants to use it himself, I suppose.

Mr. BORLAND. No; I do not want to use it myself. I only want to use about half a minute myself.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I give notice, Mr. Speaker, that I am going to make a point of no quorum at half-past 5.

Mr. HARRISON. Does the gentleman from Missouri want to ask me a question?

Mr. BORLAND. Yes. I want to ask the gentleman a question in regard to rates. The first rate that the Government put on cotton, as I understand, was 5 per cent. That forced the private companies to reduce their rates, and they were reduced to 3 per cent, and now it is 2 per cent on cotton. Is not that a fact?

Mr. HARRISON. That is my information.

Mr. BORLAND. Under this bill 129 vessels have been transferred to the American flag and are now carrying American products that otherwise would not be carried?

Mr. HARRISON. Yes; under the new registry law that was passed, and encouraged by this bill. I want to say, now, Mr. Speaker, that the gentleman from Pennsylvania [Mr. MOORE] made some suggestions yesterday that were good, although I heartily disapprove of gentlemen on either side of this aisle criticizing and finding fault with the administration at this most inappropriate time about its foreign policy. It is a time when partisan politics should be brushed aside, and if we disapprove of some little event or happening, we should remember the inopportune of the time to so express ourselves and remember that it should be a time when "silence is golden."

Now, Mr. Speaker, this bureau has done a great service to the country and it should not be abolished as suggested by the gentleman from Pennsylvania [Mr. MOORE]. I do think, however—and I make the suggestion in the friendliest feeling, and perhaps the plan is already being considered—that the Government issue no more policies without a clause being incorporated in them that the owners of vessels and cargoes shall follow the instructions of the belligerent nations respecting their course in the war zone. In other words, that the insurance policy should be invalidated if they go outside of that course the belligerent nations say is safe to follow. I do not believe they should be permitted to assume unnecessary and unreason-

able risk and recover from the Government in case of damage or loss. These details I am sure will be worked out by the board of directors in charge of this bureau, as under the law they are empowered to do.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. MOORE. While the gentleman is discussing cotton, I want to make this inquiry of him, partly by way of explanation of what I have said. Is it not true that during the month of January, 1915, the cotton exports vastly exceeded those of January, 1914?

Mr. HARRISON. I understand so. If the gentleman investigates, I think he will find that we have shipped to Germany up to now about as much cotton as we shipped to that country up to this time during the preceding year and, I might repeat, up to September 2, 1914, when the War Risk Insurance Bureau was established, we had shipped practically none.

Mr. MOORE. In January, 1915, you had sent out 3,000 bales more than in January, 1914; but at the same time the number of spindles in use in the United States had been reduced 500,000.

Mr. HARRISON. Oh, the gentleman is diverting from the subject under consideration.

The SPEAKER. The time of the gentleman from Mississippi has again expired.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by submitting a statement in regard to the congressional service of Judge HENRY M. GOLDFOGLE, who on March 4 next will have rounded out 14 years of service in this House.

The SPEAKER. The gentleman from Florida [Mr. CLARK] asks unanimous consent to extend his remarks by printing a review of the services of Judge HENRY M. GOLDFOGLE.

Mr. CLARK of Florida. A review of his services in Congress.

The SPEAKER. Yes; a review of his services in Congress. Is there objection?

There was no objection.

Mr. HARRISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. Did the Speaker put my request for an extension of remarks?

The SPEAKER. The Chair did, but perhaps it was not acted on. Is there objection to the request of the gentleman from Mississippi [Mr. HARRISON] that he may extend his remarks in the RECORD?

There was no objection.

Mr. FERRIS. Mr. Speaker, the pending question is on the adoption of the first committee amendment.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MONDELL. Mr. Speaker, the bill under consideration does not involve directly the question now being very widely discussed as to the dictation by the President in legislative matters, but that is a lively and important question just at this time nevertheless, and I avail myself of the opportunity to have inserted in the RECORD a very able editorial on the subject which appeared in the Washington Post of this morning and which is as follows:

PRESIDENTIAL DICTATION.

Within two weeks after President Wilson was inaugurated stories of Executive pressure began to come out of the congressional cloakrooms; and before the extraordinary session was six weeks old, reputable men were asserting, more or less openly, that every measure represented the judgment of the President rather than the judgment of Congress. For a time these stories made no impression on the public mind, because the country had grown accustomed to exaggerations for political purposes, and for that reason those stories were taken with many grains of salt. Then, too, the newspapers friendly to him and his more active partisans everywhere denied the President's interference, and a large majority of the people accepted the denials. Besides, many of those who knew that the President had gone far beyond any of his predecessors in an effort to coerce a legislative acquiescence in his personal opinions refused to join in the criticism against him, hoping that the occasion for it would pass.

But the last caucus held by the Democrats of the House makes it plain that patriots can not hope to see the House and Senate released from the presidential grip unless the President is brought to understand that the country disapproves his methods of dealing with a coordinate branch of the Government. It is said—and the report comes in such a way that no reasonable man can doubt it—that a spokesman of the President carried into that caucus a ship-purchase bill which he boldly represented as the demand of the President, and declared that it must be accepted without change. The Democratic caucus was not only commanded to approve the President's bill, but was commanded to approve it without amendment.

Can anybody justify, or even excuse, such a flagrant violation of every principle of this Government? All of the fathers believed that when the President was authorized to recommend such laws as he thought necessary or expedient, and to veto such laws as he thought unnecessary or inexpedient, he was clothed with as much power as any man ought to possess over the legislation of a free people; and many of the wisest among them thought that too much. If, however, the President can add to his power of recommendation and veto the secret power—the more dangerous because it is secret—of compelling the Congress to pass laws

according to his judgment rather than according to its own, the constitutional separation and independence of the three great departments will soon be utterly destroyed.

Many Democrats, though protesting against the President's interference, yield to him upon the ground that they fear a disruption of the party such as occurred under Mr. Cleveland's last administration. It is entirely praiseworthy for Democrats to avoid a division where they can do so without sacrificing their self-respect or transgressing the principles of the Constitution; but the disasters which followed the factional quarrels under Mr. Cleveland are not the only disasters which a party should fear. The trouble in Mr. Cleveland's time was that Democrats did not submit to a sufficient party discipline, while the trouble in this time is that Democrats are not allowed a sufficient liberty of thinking for themselves. One was political anarchy, the other is political despotism; and the effect of the last is certain to be as serious as the effect of the first.

Indeed, the effect must in the end be very much worse. Party demoralization, though it arise from an opposite cause, is inevitable and can not be less. It can not be possible to force Democrats, in the face of all they have ever taught, to favor the governmental ownership and operation of business enterprises, and the attempt to do so will not only alienate thousands of the most thoughtful and substantial men from the party, but it will moderate the zeal of hundreds of thousands who will remain in it, though they will have no sympathy with this departure from its established policies. Nothing so vitalizes party strength as the consciousness that the party is united in sentiment; and nothing so dissipates party strength as a feeling that the party is being driven by one man. Such a feeling must ultimately culminate in a revolt which will hopelessly divide the party, or in an abject submission which will reduce it to but a feeble shadow of its former self.

But the effect upon the Government will be more injurious even than the effect upon party organization. Such methods as those employed to force the ship-purchase bill through the Democratic caucus not only exhibit a lack of decent respect to which the individual opinion of every Democrat is entitled, but they violate the very foundation principles of this Government. If the Congress should cheerfully and of its own motion abandon the time-honored theory that the Government shall confine itself to the sovereign duty of governing, leaving all business enterprises to individuals and corporations, that alone would introduce a dangerous innovation; and when that dangerous innovation is forced on an unwilling Congress it thus sets at naught that other essential principle of this Government, which requires that the legislative department shall be coordinate with and independent of the executive department.

The President may think that in driving his party he is serving his country; but he is mistaken. No man can serve his country except through an ungrudging obedience to the great principles upon which this Republic was founded; and no man can serve his party except by adhering to the principles which underlie its organization. Though the President's more partisan friends regard every criticism as an unfriendly one, he will find in time that those who tell him the truth, even when the truth is disagreeable, are his safest counselors. Sycophants may be able to mislead the President as to the sentiment of the country, but they can not in the end mislead the country as to the conduct of the President.

Mr. HELGESEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection to the gentleman's request? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Mr. Speaker, on what subject?

The SPEAKER. It is too late to inquire now.

Mr. FERRIS. The question is on agreeing to the next amendment.

The SPEAKER. If there be no objection, the amendment will be agreed to.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. FERRIS, a motion to reconsider the last vote was laid on the table.

HOOR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 29 minutes p. m.) the House adjourned until Thursday, February 25, 1915, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of State, submitting an estimate of deficiency in the appropriation for emergencies arising in the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and requesting appropriation for representation of interests of foreign Governments growing out of existing hostilities in Europe and elsewhere be extended and made available during fiscal year ending June 30, 1916 (H. Doc. No. 1616), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HENRY, from the Committee on Rules, to which was referred the joint resolution (H. J. Res. 390) creating a commission and authorizing said commission to acquire, by purchase, the property known as Monticello, and embracing the former home of Thomas Jefferson and the park surrounding the same, consisting of 700 acres of land, all of said property being located in Albemarle County, Va., reported the same with amendment, accompanied by a report (No. 1441), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 7188) to increase the limit of cost of the United States post-office building at Garden City, Kans., reported the same without amendment, accompanied by a report (No. 1443), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 5847) to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes, reported the same without amendment, accompanied by a report (No. 1444), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (S. 1366) to adjust the claims of certain settlers in Sherman County, Oreg., reported the same with amendment, accompanied by a report (No. 1442), which said bill and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on War Claims, to which was referred the resolution (H. Res. 737) referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," reported the same with amendment, accompanied by a report (No. 1445), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 21546) making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. ROUSE: A bill (H. R. 21547) making donation of condemned cannon, carriages, and cannon balls to Covington, Ky.; to the Committee on Military Affairs.

By Mr. ABERCROMBIE: A bill (H. R. 21548) to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. KELLY of Pennsylvania: A bill (H. R. 21549) to promote the dissemination of information to voters; to the Committee on the Post Office and Post Roads.

By Mr. FRANCIS: A bill (H. R. 21550) providing for the purchase of a site and the erection of a public building thereon at Wellsville, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21551) to provide for the erection of a monument at Martins Ferry, Ohio, to the memory of Elizabeth Zane; to the Committee on the Library.

By Mr. CRISP: Resolution (H. Res. 746) authorizing additional clerical assistance and messenger service in the enrolling room of the House; to the Committee on Accounts.

By Mr. ANTHONY: Resolution (H. Res. 747) authorizing the printing of the report of the Pennsylvania Commission on the Gettysburg reunion; to the Committee on Printing.

By Mr. LOBECK: Resolution (H. Res. 748) making provisions for the session clerks of the House of Representatives; to the Committee on Accounts.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, asking removal of limit on postal savings deposit

allowed each person and use of savings funds as basis of rural-credit system; to the Committee on the Post Offices and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANDLER of Mississippi: A bill (H. R. 21552) granting an increase of pension to Joseph M. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21553) granting an increase of pension to Richard F. Enlow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21554) granting an increase of pension to Thomas B. McClane; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 21555) granting an increase of pension to James Betharde; to the Committee on Invalid Pensions.

By Mr. MORGAN of Louisiana: A bill (H. R. 21556) to authorize the reinstatement of George Hill Carruth as a cadet in the United States Military Academy; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of chamber of commerce, Seattle, Wash., favoring law granting States the right to lease coal and other Government lands; to the Committee on the Public Lands.

By Mr. BROWNE of Wisconsin: Petition of G. W. Stilson, C. G. Allen, and others, of Wood County, Wis., against abridgment of freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. BROWNING: Memorial of Star of Bethlehem Lodge No. 12, Loyal Patriots of America, of Camden, N. J., and citizens of Blue Anchor, Cedar Brook, Winslow, and Waterford Works, N. J., protesting against exclusion of certain publications from the mails; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Petition of citizens of New York favoring exclusion of the Menace from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of S. C. Hogan, secretary International Association of Marble Workers, favoring H. R. 7826, the Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

By Mr. CALDER: Petition of citizens of Brooklyn, N. Y., favoring embargo on arms; to the Committee on Foreign Affairs.

By Mr. COADY: Petition of sundry citizens of Baltimore, Md., protesting against export of war material; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of S. T. Dregue and 82 others of Readstown, Wis., against H. R. 20644, to exclude certain publications from use of mails; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Memorial of the board of directors of the associated employees of Indianapolis, indorsing the militia pay bill; to the Committee on Military Affairs.

Also, memorial of New York associated dailies, protesting against an increase in the postage rate on newspapers; to the Committee on the Post Office and Post Roads.

Also, memorial of the United Master Butchers of America, favoring passage of a law to prevent slaughter of any calf weighing less than 150 pounds live weight; to the Committee on Agriculture.

Also, memorial of the National Industrial Traffic of Chicago, Ill., relative to national regulation of common carriers; to the Committee on Interstate and Foreign Commerce.

Also, memorial of associated physicians of Long Island, favoring passage of the Palmer-Owen child labor bill; to the Committee on Labor.

Also, petition of 168 citizens of Chicago, Ill., urging Congress to pass a law in accordance with the Constitution, that when a citizen of one State is acquitted of any and all charge of crime in another State that he be returned or allowed to return to his own State, or Harry K. Thaw should be allowed to return to his home in Pennsylvania; to the Committee on the Judiciary.

By Mr. FRENCH: Petition of citizens of Idaho relative to unemployment in United States; to the Committee on Labor.

By Mr. HAYES: Petition of 106 citizens of Glendora, Cal., protesting against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Olympia and Aberdeen, Wash., favoring passage of bills

to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. KELLY of Pennsylvania: Petition of citizens of Allegheny County, Pa., against abridgment of the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. LEWIS of Maryland: Petition of Mr. F. M. Fairchild and other citizens of Cumberland, Allegany County, Md., protesting against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LONERGAN: Memorial of State committee of the Socialist Party of Connecticut, protesting against increase of armaments; to the Committee on Military Affairs.

Also, petitions of Frank Weber, of New Britain, and Rudolph Rymarick and 15 others, of Manchester, Conn., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. METZ: Petition of citizens of New York City and Brooklyn, N. Y., favoring H. J. Res. 377, prohibiting export of arms; to the Committee on Foreign Affairs.

By Mr. STEPHENS of California: Petition of 1,775 citizens of Los Angeles, Cal., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. VOLLMER: Petitions of 5,422 American citizens, protesting against export of war material; to the Committee on Foreign Affairs.

By Mr. WALLIN: Petition of sundry citizens of Schenectady, N. Y., protesting against any law by Congress abridging freedom of the press; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, February 25, 1915.

(Legislative day of Friday, February 19, 1915.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

LOUISVILLE & NASHVILLE RAILROAD.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Interstate Commerce Commission transmitting in response to a resolution of August 6, 1913, the report of the commission relative to the financial relations, rates, and practices of the Louisville & Nashville, and the Nashville, Chattanooga & St. Louis Railway, and other carriers. The report already has been printed, and the communication and accompanying paper will be referred to the Committee on Interstate Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of Georgia, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. McGILICUDDY, Mr. THOMAS, and Mr. VOLSTEAD managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 6631) to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5734) to extend the provisions of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to the State of Kansas with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 20040. An act to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States; and

H. R. 21122. An act to validate certain homestead entries.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 136) to promote the welfare of American seamen in the